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Child/youth leadership and climate cases: Postpaternalism in the courts?

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Abstract

This article examines the phenomenon of child/youth leadership within climate litigation. We argue that it is a part of postpaternalism, whereby children/youth engage in grassroots action (for the first time, on a global scale), rather than well-meaning adults ‘giving’ them their rights. Analysis is provided of 15 child/youth-involved climate cases. We identified that the leadership of children is inherent in their taking of these cases, and particularly in the way that they assert their constitutional/human rights as legal actors. We found significant reference in applications to children’s leadership in their communities and countries. Children are engaging in leadership as they see it on behalf of all children/youth; or on behalf of humanity more broadly. We found some limited reference to their leadership in the judgments and outcomes of cases. We conclude by arguing that the involvement of children/youth in these cases is crucial for human rights and for the climate.

Key words

Children’s rights, child/youth leadership, postpaternalism, climate action, climate cases

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Resumen

Este artículo examina el fenómeno del liderazgo infantil y juvenil en el ámbito de los litigios climáticos. Sostenemos que forma parte del «pospaternalismo», según el cual niños, niñas y jóvenes participan en acciones de base (por primera vez, a escala mundial), en lugar de que sean adultos bienintencionados los que les «concedan» sus derechos. Se ofrece un análisis de quince casos climáticos en los que han participado niños y jóvenes. Identificamos que el liderazgo de los niños es inherente a su participación en estos casos y, en particular, a la forma en que hacen valer sus derechos constitucionales y humanos como actores jurídicos. Encontramos referencias significativas en las demandas al liderazgo de los niños en sus comunidades y países. Los niños ejercen el liderazgo tal y como ellos lo entienden en nombre de todos los niños y jóvenes, o en nombre de la humanidad en general. Encontramos algunas referencias limitadas a su liderazgo en las sentencias y los resultados de los casos. Concluimos argumentando que la participación de los niños y jóvenes en estos casos es crucial para los derechos humanos y para el clima.

Palabras clave

Derechos de la infancia, liderazgo infantil y juvenil, pospaternalismo, acción climática, litigios climáticos

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1. Introduction

The anticipated consequences of climate change have exited the realm of hypothesis and become an accepted fact (Crist 2007). It is certain that dramatic climate chaos will occur, only the timing and degree is in question (Litfin 2000). There is an urgent need for immediate action and behavioural change to mitigate the risks confronting our planet (Clode *et al.* 2014). The human impacts of the climate crisis are already being felt harshly through rising water levels and adverse weather events such as storms and flooding (Intergovernmental Panel on Climate Change 2022). In this century, global warming of 1.5°C and 2°C will be exceeded unless, in the coming decades, deep reductions in greenhouse gas emissions occur (Intergovernmental Panel on Climate Change 2023). In the past decade there has been a change in perspective “on how we address climate change consequences: from human impacts to real human rights’ violations” (Sanz-Caballero 2013). All of the human experiences of the effects of climate change translate to the violation of real human rights obligations. These are obligations that, through the international human rights law system, states signed up to protect as minimum standards (Horne *et al.* 2023). Many of these standards are also to be found in national and regional systems.

It is children and youth who will be the worst affected by the climate crisis, as they will live with it, in general, the longest. Children born in 2020 will experience an enormous increase in extreme weather events—up to seven times greater compared to those born in the 1960s (Thiery *et al.* 2021). It is unsurprising that worldwide children and youth have been emerging as key actors in the climate action space, including in the use of law and human rights standards to effect change. This article examines the phenomenon of child and youth leadership within climate litigation, which we argue that it is a part of climate activism generally. This encapsulates what Daly (2022a) refers to as the “postpaternalist era” in which we are currently situated.

Postpaternalism refers to children engaging in grassroots action (for the first time, on a global scale) to shape human rights, rather than well-meaning adults “giving” them their rights. Future approaches to the CRC must reflect this (Daly 2022a). Children/youth, with their climate action, are demonstrating leadership across various areas—organising protests, lobbying governments and companies, taking climate cases. We understand leadership here in its ordinary sense. Yukl (2006) defines leadership as “the process of influencing others to understand and agree about what needs to be done and how to do it, and the process of facilitating individual and collective efforts to accomplish shared objectives” (Yukl 2006). Typically, as Vignola *et al.* (2017) point out, leadership is referred to the ability to convince others to accept/follow decisions. We would add that we understand it to also mean that children are taking their own action and influencing law and policy, as has been argued by many authors (Daly 2022a, Donger 2022, Parker *et al.* 2022). They are now active participants in litigation in a way never seen before. This is a significant turn of events for children’s rights and for their intergenerational relationship with adults. It is a very new phenomenon that children are key litigators on a matter of political interest. It is therefore a significant part of postpaternalism, and it is important to examine the extent to which the leadership of children and youth arises in these cases. There are of course other important elements to be examined to determine the position of children as leaders on climate action such as their own experiences of participation in

such action. We do not have the scope to examine these types of evidence here, but they are being examined within the Youth Climate Justice project (see further Youth Climate Justice website).

In this article, we analyse the portrayal of child/youth climate leadership in some climate cases involving children and youth. In the first section of this article, we examine the emergence of child/youth climate action and the growth of child/youth-involved climate cases. The degree of involvement of children and youth in these climate cases vary greatly across climate cases, so we refer to these cases as “child/youth-involved climate cases” as Muller (2025) does. We then move to our empirical research. In the second section we outline our methodology, and in the third section we present our findings. We analyse 15 climate cases which involve children and youth. These cases are from domestic, regional and international jurisdictions, chosen on the basis of their prominence and their likelihood to include focus on child/youth climate leadership.

Each petition and its accompanying decision were examined in full. Using qualitative thematic analysis, we searched for patterns to ascertain the extent to which the leadership of children and youth on the climate is portrayed in these cases. To do this, we searched for whether and how children articulate their experiences in their climate case applications, and how courts relate to and discuss the position of children in the outcomes and judgements of these cases. We identified that the leadership of children is inherent in their taking of these cases, and particularly in the way that they assert their constitutional and human rights as legal actors. We also found that there is significant reference to children’s leadership in their activities outside of their cases, for example in their communities. In these cases, children are engaging in leadership as they see it on behalf of all children/youth; or on behalf of humanity more broadly. We found some limited reference to their leadership in the judgments and outcomes of cases. We conclude by arguing that the involvement of children/youth in these cases is crucial for human rights and for the climate. There is not always explicit reference to children themselves as leaders in the judgments. In some applications also, their work is not explicit. However, it is crucial that children are taking these cases and that the distinctive experiences and voices of young claimants are being heard and recorded in legal systems in many parts of the world.

2. Background to child/youth climate action and youth climate cases

2.1. Child/youth climate action

Children and youth are disproportionately affected by climate change, as they will generally live the longest with the unfolding consequences of present climate decisions. These impacts are not confined to the future. According to UNICEF’s *Unless We Act Now* report (2015), presently, about one in four children worldwide live in regions with extremely frequent floods, with 160 million living in areas of severe droughts, and over 115 million exposed to a very high risk of tropical cyclones (UNICEF 2015). The decisions and lifestyles of adults from the current and past two generations have inalterably changed the life prospects of future generations (Gibbons 2014). Indeed, there is “no greater threat” facing children and youth, as well as future generations, than that posed by climate change (UNICEF 2016).

Children's heightened exposure to climate risks also stems from the fact that they are still developing both physically and psychologically. Their developing immune systems make them more vulnerable than adults to heat stress, respiratory disease as a result of inhaling pollutants, UV radiation, and food- and waterborne diseases (Graber *et al.* 2024). Climate-related disruptions such as displacement, loss of homes or livelihood, and repeated exposure to extreme weather also carry significant mental health consequences for children and youth (Graber *et al.* 2024). These harms are clearly reflected by children and youth plaintiffs involved in climate cases. For example, in the climate case of *Held v Montana*, youth plaintiffs described anxiety, despair, and "a gripping sense of existential loss" tied to environmental degradation of places they love.³

Despite this profound intergenerational injustice, children and youth have traditionally been excluded from political and institutional spaces of power. Unlike adults, they cannot vote (Wall 2021), have limited opportunities to represent themselves in policymaking, and face persistent paternalistic assumptions about their capacity to contribute meaningfully to public decision-making (Daly *et al.* 2025). In climate cases such as *La Rose v. Canada*, the lack of voting rights of those under the age of 18 is emphasised, as is the resulting need to use legal processes to assert their interests.⁴ In the *Juliana* application in the US, plaintiffs point out that children are "an insular minority with no voting rights and little, if any, political power,"⁵ and that this contributes to an environment in which their rights and futures are inadequately protected.⁶

It is within this context of structural marginalisation and exclusion from climate-related decision-making that children and youth have taken on increasingly visible leadership roles in climate action (Parker *et al.* 2022). Across multiple jurisdictions, young people have moved from being framed as passive victims of climate change to asserting themselves as autonomous rights-holders and political actors (Daly 2025). Their mobilisation ranges from grassroots organising and public advocacy to participation in youth-led movements and legal challenges (Cebul 2023). Although children have long participated in environmental action, this intensified in 2018 when Greta Thunberg's solitary school strikes outside the Swedish parliament catalysed the worldwide *Fridays for Future* movement (Daly 2024). Since then, millions of children and youth have participated in climate strikes and related forms of public advocacy (Daly 2024). Scholars have noted that a deep sense of connection to nature is central to the experiences of child/youth climate advocates (Larocque 2023), perhaps reflecting relational capacities that tend to diminish in adulthood (Phenice and Griffore 2003).

While the global visibility of youth climate action surged with the school strike movement, it is important to recognise that children—particularly Indigenous children—had been mobilising on environmental issues long before this moment (Dhillon 2017). Across regions such as the Amazon, the Arctic and countries shaped by settler colonialism, Indigenous youth have long treated environmental protection as integral to cultural continuity and collective responsibility (Dhillon 2017). Such patterns

³ *Held et al. v. Montana* 2024, MT 312, Supreme Court of Montana, 82.

⁴ *La Rose v. Canada*, 2020 FC 1008.

⁵ *Juliana et al. v. United States*, 2025, US 24-645, US Supreme Court.

⁶ *Ibid.*

can be seen across Latin America, where Indigenous adolescents in countries such as Ecuador and Colombia have publicly challenged oil extraction (Nenquimo and Anderson 2024), coal mining and water scarcity, linking these environmental concerns to broader struggles over cultural autonomy and territorial rights (United Nations Development Programme 2023). Inuit youth in the Canadian Arctic had likewise been raising concerns for years about inadequate state responses to melting sea ice and growing food insecurity (Brennan Vogel and Bullock 2021). Another clear illustration of youth mobilisation is the 2016 resistance to the Dakota Access Pipeline in the United States (Javier 2016). Here, Indigenous children and youth organised awareness-raising initiatives such as the “ReZpect Our Water” run, and campaigned to protect water sources integral to their heritage and way of life. Their actions contributed to a court-ordered comprehensive environmental review in 2020, and to the permit for the pipeline being struck down (Lakhani 2020).

Climate litigation has become one of the most vital tools in the “arsenal” of children and youth against global warming (Donger 2022). It is an avenue for them to assert their rights, challenge inaction, and have their voices heard before judicial and quasi-judicial bodies on issues of climate change science, policy or law (Setzer and Higham 2024). In this way, children can articulate their own stories and experiences in a way which brings to life the harm caused by climate change. As of 2025, the Youth Climate Justice project’s caselaw database contains 81 child youth involved climate cases, with the majority taken in the previous five years. This indicates the level to which children and youth are increasingly prominent in climate action. Jodoin and Wewerinke-Singh (2025) found that children and youth were applicants in 34% of all rights-based climate applications, underscoring their growing role as key actors in global climate justice efforts (Jodoin and Wewerinke-Singh 2025). Children and youth have brought a series of groundbreaking climate cases at domestic, regional, and international levels. Together, these cases reflect the global trend of young people using the law to hold states and corporations accountable in a rapidly changing climate (Parker *et al.* 2022). Children and youth have pushed beyond paternalism, and it is evident that they are taking control of their own rights in a way that is new in the implementation of the human rights framework (Daly 2025).

Postpaternalism describes a reconceptualisation of children’s rights, whereby instead of adults “giving” rights to children, children and youth actively claim and shape those rights themselves (Daly 2022a). The term captures how child/youth climate action, especially by under-18s, has unsettled long-standing, adult-centric assumptions in law, politics and human rights practice (Rogers 2020). For most of the 20th century, children were viewed primarily as vulnerable dependants to be protected, rather than as political actors (Daly 2018). Even the UN Convention on the Rights of the Child (CRC), while groundbreaking, has often been implemented in a paternalistic way, with adults deciding what is in children’s “best interests”, and deciding when and how they are allowed to participate (Tobin 2015). Indeed, the CRC was drafted by adults without any involvement of children (Liebel 2025). Postpaternalism does not deny children’s need for protection, however, it questions a model where protection routinely overrides autonomy and where adults are positioned as gatekeepers of children’s rights and participation (Rabello de Castro 2012). The concept implies that an unduly paternalist

approach to children's rights is increasingly out of step with how children are actually engaging with the climate crisis and with human rights institutions.

Postpaternalism also is characterised by many other factors. There is a broader backdrop which has contributed to the emergence of an era of postpaternalism, notably the climate crisis, which poses an existential threat to humanity. Those under the age of 18 do not have voting rights, which has likely led to the level of climate action through protests, national and international lobbying, and court cases that we have seen around the world. Those under the age of 18 years have had to work through these methods to influence law and policy because of the fact that they are disenfranchised. Another background factor is likely that the UN Convention on the Rights of the Child has mainstreamed children's rights, and in particular, the groundbreaking right to be heard. It has become accepted in many arenas that it is useful and necessary to hear children on matters affecting them, because of the inclusion of this right in the UNCRC. In spite of the fact that adults sometimes apply the right to be heard paternalistically, the mere existence of it has likely been transformative. Another consideration is that children and youth on average are far more adept at online platforms than older people. This has supported children and youth to organise and communicate on the matter of the climate crisis, and also to communicate their message to the world effectively (Ojala and Lakew 2017).

Postpaternalism involves children and youth taking their own action around the world, unprompted by adults. This has likely led to a greater level of inclusion of children and youth in various initiatives, such as at the Conference of Parties (COP) (Paz Landeira *et al.* 2025), and within UN processes, such as the drafting of General Comment No. 26. Children and youth have been asserting themselves as the equals of adults, often working together with adult allies, for example in litigating climate cases they have been engaging law and human rights as frameworks through which to advocate for the environment. They have been doing much peer to peer work, for example writing books about climate change for other youth (Daly 2022a). There is a sense of relationality in child / youth climate action, in that caring for others and for nature is a strong element of their work (Murray, Forthcoming 2026). This links to the postcolonial approaches that they have been taking, ensuring for example that the rights of indigenous peoples and other disadvantaged groups are to the fore in their climate work. Note for example in the *Sacchi* case that one of the articles of the UN Convention on the Rights of the Child which was invoked was article 30 —the rights of indigenous people to their culture. It must be acknowledged that the current picture of young climate action is not all positive. Young climate advocates still experience tokenism and hostility when they try to advocate for the climate (Daly 2022a). Their work can be exhausting and they experience burnout (Beilmann 2020). Climate advocates from economically disadvantaged countries will find it much harder to be heard and to attend international conferences (Paz Landeira *et al.* 2025).

Nevertheless, in spite of challenges, it has been distinctly noticeable that children and youth have been organising movements and strikes, and speaking at international fora. There is much evidence of greater recognition that children and youth must be involved in important environmental decision making. Children and youth were heavily involved in the drafting of General Comment (No 26) of the UN Committee on the Rights of the Child on children's rights and the environment with a special focus on climate change.

In this important instrument the UN Committee on the Rights of the Child outlines that a clean, healthy, and sustainable environment is a fundamental human right. It is a right which all children have, and as part of it, governments are obligated to take urgent climate action. They must also protect children from environmental harm such as pollution and flooding. The rights of children must also be considered in all policies relating to the environment, including through child rights impact assessments and better climate financing. The Committee points out that states must be held accountable for the impacts, now and in the future, of environmental policies on children, holding states accountable for current and future impacts, especially on vulnerable children. In particular, the Committee notes the position of children as important advocates for the climate.

The high level of involvement of children and youth in strategic climate litigation (see e.g. Nolan *et al.* 2023, Daly and Muller 2025) is another element of this postpaternalist picture. It has been argued that courts and other processes must be made more child and youth friendly, considering this new phenomenon of children and youth investigating in high numbers on an issue of political importance (Council of Europe 2010). This group—children and youth—have a human right to have interests adequately considered in relation to humanity’s most pressing and profound challenge. States are required for example to conduct children’s rights impact assessments to ensure that the best interests of children are considered climate law and policy. This is at present however, this is not happening. Research by UNICEF (2021) for example found that only 34% percent of the climate plans of the state’s examined had considered children’s best interests. Considering the frequent lack of attention for interests of children and youth in relation to climate law and policy, it is perhaps unsurprising that they have turned to the courts as a forum through which assert their rights.

2.2. Child/youth-involved climate cases

According to the Youth Climate Justice project’s Case Law Database (YCJ Database), as of 2025, children and youth have initiated at least 81 legal cases and applications across multiple jurisdictions, marking a dramatic expansion of youth-led climate legal action over the past decade (see further Daly *et al.* 2026). In several jurisdictions, rights-based climate litigation has resulted in judicial findings that oblige states, and in some instances corporations, to enhance their climate-mitigation commitments. In the recent *Advisory Opinion of the International Court of Justice (A/77/L.58)* for example (a process sparked by the action of young climate advocates), the obligations of states to mitigate climate change was highlighted by the court. In the *Sacchi* petition for example (taken by 16 youth under the age of 18), although it did not proceed to a full hearing, resulted in the first UN acknowledgement of the responsibility of States for transboundary harm.⁷

There has been debate as to whether young children should be included as litigants in climate cases. However, to deny them of such a possibility would undermine their “voice” rights within Lundy’s model of child participation (Lundy 2007). Donger (2022) notes that of the 31 climate cases involving children and youth by the end of 2020, seven

⁷ *Sacchi et al. v. Argentina*, CRC/C/88/D/104/2019; *Sacchi et al. v. Brazil*, CRC/C/88/D/105/2019; *Sacchi et al. v. France*, CRC/C/88/D/106/2019; *Sacchi et al. v. Germany*, CRC/C/88/D/107/2019; *Sacchi et al. v. Turkey*, CRC/C/88/D/108/2019, 2021, United Nations Committee on the Rights of the Child.

invoked the *best interests of the child* principle, and nine (almost one third) advanced age-based equality or non-discrimination claims. These patterns indicate that children are actively asserting child-specific rights and influencing how those rights should be interpreted and applied in the climate context (Donger 2022).

In 2022, Parker *et al.* analysed 32 youth-led climate cases and observed three broad strands: challenges alleging inadequate progress toward national or international climate commitments; cases contesting failures to implement effective mitigation or adaptation measures; and actions targeting specific regulatory decisions expected to generate significant climate impacts. Their study also noted that, at the time, most child/youth climate applications had been dismissed at the admissibility stage, highlighting early procedural barriers faced by young claimants. Several cases have achieved landmark victories, such as *Urgenda*,⁸ *Held*,⁹ and *Navahine*.¹⁰ Yet the research of Daly and Muller (2025) indicates that as of 2025 there is still a high rate of such cases being deemed inadmissible. By 2025, 40% of decided cases had been deemed inadmissible, often because courts apply strict doctrines relating to redressability or separation of powers (Muller 2025). US courts in particular have been criticised for having a recognised tendency to dismiss such cases for inadmissibility (Parker *et al.* 2022). It can be argued however that this high rate reflects judicial constraints rather than deficiencies in children's claims (Daly *et al.* 2026).

When youth-led climate cases do reach a full hearing, they tend to be highly impactful. Daly and Muller (2025) found that, of the admissible youth-led cases to date, around 76% have resulted in at least partial success, contributing to legal developments in areas such as the right to a healthy environment, cultural rights, intergenerational equity, and state duties to mitigate climate harm. Several have prompted legislative reforms. Cases such as *Neubauer* in Germany, and *Urgenda* in the Netherlands, have led to significant policy changes and contributed to a broader public recognition of the rights implications of climate inaction. The influence of child/youth climate cases also extends beyond the courtroom. The *Sacchi* communication, for example, although it was dismissed,¹¹ played an important role in prompting the CRC's General Comment No. 26 and strengthening the international articulation of children's environmental rights.

This growing body of child/youth-led litigation demonstrates the important role that children and youth play in climate justice, and thus, why examining their leadership in climate litigation is both necessary and timely.

3. Methodology

This article employs a qualitative case study methodology to examine how children/youth express leadership within climate action and litigation. The analysis is based on a sample of child/youth-involved climate cases compiled in a case study

⁸ *Urgenda Foundation v. State of the Netherlands*, 2019, Case No. 19/00135, Supreme Court of the Netherlands.

⁹ *Held et al., v. State of Montana et al.*, 2024, DA 23-0575, Montana Supreme Court.

¹⁰ *Navahine et al. v. Hawai'i Department of Transport*, 2024, 1CCV-22-0000631, The Circuit Court of the First Circuit, State of Hawai'i.

¹¹ *Sacchi et al. v. Argentina*, CRC/C/88/D/104/2019; *Sacchi et al. v. Brazil*, CRC/C/88/D/105/2019; *Sacchi et al. v. France*, CRC/C/88/D/106/2019; *Sacchi et al. v. Germany*, CRC/C/88/D/107/2019; *Sacchi et al. v. Turkey*, CRC/C/88/D/108/2019, 2021, United Nations Committee on the Rights of the Child.

dataset. These cases were selected because they represent key examples of climate litigation involving children/youth globally, and because they were anticipated to contain the richest illustrations of children's leadership in their legal argument, how the children and youth presented their experiences, and the rights they relied on. Cases were chosen in 2025 from the Youth Climate Justice Project Case Law database,¹² which contains children's rights breakdowns of cases which involve children and/or youth, or children's rights arguments (Daly and Muller 2025).

These 15 child/youth-involved climate cases were read in full, and we conducted manual word searches within applications, judgments and other relevant documents such as *amicus curiae* to identify references to participation, agency, voice, leadership and related concepts. We also conducted targeted word searches to identify instances where children's leadership, participation and agency were referenced. These searches focused on terms associated with leadership such as *leader*, *activist*, *advocacy*, *work*, *action*, and descriptions of practical engagement including community activities (e.g. tree planting) and involvement in litigation. We also examined language relating to children's connection to nature and the environment, including references to enjoyment of natural spaces, health impacts, and experiences of environmental harm (e.g., flooding, drought, displacement). In addition, we searched for representational language such as *represent* and *on behalf of* which often appears in the introductory sections of applications and signals how young claimants position themselves in relation to wider child populations or future generations. Terms such as *complainants* or *petitioners* were similarly useful for identifying narrative accounts of children's motivations and the arguments they advanced. Finally, searches relating to *intergenerational rights* helped to locate passages where children discussed their involvement as an effort to prevent disproportionate burdens on present and future generations.

Discussions with other members of the Youth Climate Justice team further helped to identify cases in which children's engagement was most substantively documented. On this basis, the broader pool of cases was narrowed to those that contained the clearest evidence of child or youth leadership. These cases then formed the final dataset for detailed analysis. The dataset includes international proceedings (e.g. *Sacchi* before the UN Committee on the Rights of the Child), and domestic actions (e.g. *Juliana* in the US). This breadth allows examination of children's engagement and leadership across a variety of legal and institutional contexts.

To organise and compare the material, all observations were recorded in a set of tables compiled to present the various factors sought. For each case, we identified whether examples of children's leadership were found. We also noted key themes which were evident across the cases in how leadership emerged. References to CRC articles relied upon were also noted, as were descriptions of children's environmental action. This document provided the key information for our findings section.

Once data collection was complete, data analysis was initiated via a thematic approach. To explore the children's climate actions and leadership, a qualitative approach was taken, following the method of Braun and Clarke (2019). The literature was used to enrich emerging themes and overall findings. According to Braun and Clarke (2019),

¹² <https://www.ucc.ie/en/youthclimatejustice/caselawdatabase/>.

qualitative research is about meaning and meaning-making, and about telling “stories”. As authors for this article, we engaged in interpretation and creation of meaning. We do not claim to be discovering and finding a single “truth” that is buried deep within the data. As researchers, we engaged in reflective and thoughtful approaches to the data, and to the analysis (Braun and Clarke 2019). Once we completed the coding process, we generated key themes which we interpreted as emerging from the data. We then finalized these themes after reviewing and redefining what we found. We identified that the leadership of children is inherent in their taking of these cases, and particularly in the way that they assert their constitutional and human rights as legal actors. We also found that there is significant reference to children’s leadership in their activities outside of their cases, for example in their communities. It was established that children are engaging in leadership as they see it on behalf of children and youth in their countries, or globally, or humanity more broadly. We found some limited reference to their leadership in the judgments and outcomes of cases.

4. Findings—Trends and themes on child/youth leadership in climate cases

The cases were chosen, as outlined above, on the basis of a few different factors. We chose cases which we felt were the most prominent in the area of youth climate cases. We also aimed for cases where it was likely that there were experienced youth climate advocates as applicants, and where children’s own rights were being invoked. Here we will provide a brief overview of the cases chosen, and what we ascertained about how/whether child leadership arises in these cases. We will provide further detail in later sections about this. We initially chose 15 key climate cases,¹³ as we believed that this number of cases would achieve sufficient data to provide insight into how and whether child/youth leadership on the climate arises. In 8 cases, we determined that children’s leadership was clearly being portrayed in the application, as there was reference to their activities and leadership in the case.¹⁴ In the judgments of these same cases, we did not find a wealth of reference to children’s leadership. Considering however that four of these cases involved legal success for the climate, and all of these cases draw attention to climate change, it can be argued that children’s leadership is inherent. This is because

¹³ These cases are: *Sacchi et al. v. Argentina*, CRC/C/88/D/104/2019; *Sacchi et al. v. Brazil*, CRC/C/88/D/105/2019; *Sacchi et al. v. France*, CRC/C/88/D/106/2019; *Sacchi et al. v. Germany*, CRC/C/88/D/107/2019; *Sacchi et al. v. Turkey*, CRC/C/88/D/108/2019, 2021, United Nations Committee on the Rights of the Child; *Juliana et al. v. United States*, 2024, 947 F 3d 1159, US Supreme Court; *Future Generations v. Ministry of the Environment et al.*, 2018, 11001 22 03 000 2018 00319 00, Supreme Court of Justice of Colombia; *Duarte Agostinho et al. v. Portugal et al.*, 2024, App. No. 39371/20, European Court of Human Rights; *African Climate Alliance et al. v. Minister of Mineral Resources and Energy et al. ('Cancel Coal')*, 2024, ZAGPPHC 1271, High Court of South Africa; *Do-Hyun Kim v South Korea*, 2024, Case No. 2020HunMa389, the Constitutional Court of Korea; *Youth Verdict v. Waratah Coal*, 2022, MRA050-20 (MLA 70454) EPA051-20 (EPML 00571313), Land Court of Queensland; *Mathur et al. v. His Majesty the King in Right of Ontario*, 2020, Denial of Motion to Dismiss, OONSC 6918, Superior Court of Justice, Ontario; *Petition to the Inter-American Commission on Human Rights Seeking to Redress Violations of the Rights of Children in Haiti*, 2021; *Children’s Petition to the UN Secretary General to Declare a Climate Emergency*, 10 Nov 2021, UN Secretary General; *La Rose v. Her Majesty the Queen*, 2023, FCA 241, Federal Court of Appeal; *Advisory Opinion on the Obligations of States in Respect of Climate Change*, 2025, A/77/L.58, International Court of Justice; *Neubauer et al. v. Germany*, 2021, 1 BvR 2656/18, 1 BvR 96/20, 1 BvR 78/20, 1 BvR 288/20, 1 BvR 96/20, 1 BvR 78/20, German Federal Constitutional Court.

¹⁴ *Sacchi* Petition, p. 9-43; *Navahine* Application p. 3-23; *Juliana* Complaint p. 9-36; *Held* Complaint p. 5-22; *La Rose* Complaint p. 43-55; *Mathur* Pre-Trial Order p. 48-49; *Childrens Petition to the UN Secretary General* Petition p. 5-8; *Petition to the Inter-American Commission on Human Rights* Complaint p. 12.

children and youth (or at least children's rights arguments) were involved in some way in these cases, and success indicates clear legal impact (though the practical impact is another question).

In four cases, *Do-Hyun*, *Neubauer*, *Duarte Agostinho*, and *Future Generations*, we found that there was not extensive information provided about children's leadership roles in their communities; but we did find that children were asserting their constitutional or other rights. We argue therefore this is a type of leadership role that they are taking (i.e. asserting child/youth rights in court). In three cases, *Youth Verdict*, *Cancel Coal*, and *ICJ Advisory Opinion*, the plaintiffs were not children, but rather arguments were being made about children's rights. These are not therefore cases in which children's leadership is overtly evident in the application. We did however find that in 8 cases, amicus submissions were made asserting the children's rights; *Cancel Coal*, *Juliana*, *Held*, *Sacchi*, *Do-Hyun*, *Future Generations v Columbia*, *ICJ Advisory Opinion*, and *Duarte Aghostino*.

4.1. Children/youth as leaders in their cases

The first point about how leadership of children appears in the cases is an obvious one and yet one which still is important to acknowledge. Through the legal action that they are taking, these children and youth are demonstrating climate leadership *per se*. Child/youth leadership is often evident through the legal arguments of the applicants. A strong theme in terms of the legal arguments of applicants is the burdens that they face because of climate change. In the *Sacchi* petition for example "The petitioners carrying the burden of the harms caused by climate change e.g. life-threatening dangers and harms to health and development."¹⁵

In the majority of the cases, children are framed as independent rights-holders under constitutional, human rights, or international law.¹⁶ In the *Juliana* application, it is outlined that the young plaintiffs are "beneficiaries of the public trust..." and that they have a substantial, direct, and immediate interest in protecting the atmosphere."¹⁷ This points to the position of these young climate advocates as actively taking responsibility for their environment and their future through legal action, asserting constitutional and environmental rights for themselves and future generations. It is also pointed at that these applicants are "an insular minority with no voting rights and little, if any, political power."¹⁸ This underscores the importance of child leadership, as these plaintiffs are stepping into leadership roles to fill the political void left by the systemic disempowerment of children and youth (Daly 2023).

In some cases, like *Neubauer*, the work of children and youth as climate action leaders in not outlined explicitly. Their status as applicants in the case, litigating their rights, is outlined however: "The complainants are predominantly adolescents and young adults. They claim the violation of a fundamental right to a future consistent with human dignity."¹⁹ In these cases where there is not explicit consideration of the climate action

¹⁵ *Sacchi*, Petition, p.1.

¹⁶ In the cases of the *Children's Petition to the UN Secretary General*, *Youth Verdict*, the *ICJ Advisory Opinion*, reference to children being independent rights-holders was less explicit.

¹⁷ *Juliana et al.*, Petition, p.37-38.

¹⁸ *Juliana* Petition, p.90-91.

¹⁹ *Neubauer*, Judgment, p.29-30.

of the applicants, children/youth are nevertheless showing leadership in bringing to courts their experiences of climate change and environmental degradation. In *Petition to the Inter-American Commission on Human Rights Seeking to Redress Violations of the Rights of Children in Haiti*, the harm to the applicants of the contamination of their environment is made clear. It is stated that one young applicant is “afraid of the water because it is dirty water. It is full of mud and trash.”²⁰ Another young applicant, it is stated, encounters “a lot, a lot” of trash in Cité Soleil and says that “the burning of the trash causes headaches.”²¹ The desire these applicants have to make a change in their environment also comes through in the *Haiti* Petition. It is stated that one of the applicants “feels badly because they feel unable to “save the kids” from polluted water that constantly inundates homes where children live.”²²

It is striking to see the legal arguments being made by young litigants as active agents in their climate cases. In *Future Generations*,²³ the applicants are a mix of children and young adults. It is outlined that they argue as a basis for their claim that they live in cities most at risk due to climate change, and due to predicted rises in temperature, they expect to see particularly bad effects when they reach their 70s.²⁴ They point to the Paris Agreement and Colombian domestic law. Law whereby the Colombian government committed to achieve “... reduction of deforestation, and yet are falling well short of commitments.”²⁵

In some instances, it was made clear in applications that there is a significant amount of anxiety associated with the responsibility felt by the young applicants. In *Held v Montana* for example it is outlined that:

Plaintiff Rikki feels a heavy burden as a result of the climate crisis. She experiences stress and despair when thinking about how the State of Montana has known about climate disruption for decades and yet has chosen to continue to act in a way that threatens her home and property, her family’s livelihood, and infringes upon her constitutional rights and future.²⁶

In *La Rose*, the awareness which children and youth have of the climate crisis is highlighted. Young litigant Mikaeel, it is described, reads and watches news reports regularly.²⁷ As a result of this, it is outlined that he has developed acute awareness “of the impact that climate change is having on his life, the planet and his future, as well as how his government is contributing to the climate crisis.”²⁸ It is sometimes highlighted that the knowledge of the climate crisis (and anxiety about this) is what is spurring the young applicants to take action. In *La Rose*, one young litigant is described as being increasingly aware of, and worried about, the impact of climate change and his changing

²⁰ *Petition to the IACHR*, Petition, p.5.

²¹ *Ibid.*

²² *Ibid.*

²³ *Future Generations*.

²⁴ *Ibid.*

²⁵ *Future Generations*, Decision, p.1.

²⁶ *Held*, Complaint, p.5.

²⁷ *La Rose*, Complaint, p.49.

²⁸ *Ibid.*

world.²⁹ It is stated that because of this, “he feels that as a young person he now needs to take extra steps to address and adapt to these unprecedented changes.”³⁰

In *Montana*, Youth Plaintiffs are described as being aware that the opportunity is being lost to stop irreversible climate change impacts.³¹ It seems that the young plaintiffs are being inspired to take leadership roles because of this.³² In *La Rose*, it is outlined that the climate action of young litigant Albert is a way of mitigating the anxiety caused by the climate crisis:

Albert has been a committed environmentalist since he was seven years old, and has been organizing and regularly participating in school strikes, protests and other civic actions since February 2019. He now dedicates most of his spare time to the youth climate movement, which he feels helps combat his eco-anxiety.³³

4.2. Children’s leadership outside the case/petition

In some of the cases examined, it is made clear that these children and youth have extensive experience of climate action leadership. It becomes clear that the legal application, for these young advocates, is another part of their broader climate action. In this broader action, they often direct advocacy campaigns, are involved in youth-led organizations etc. to amplify their voices regarding climate risks and injustices they face.

The *Sacchi* petition is probably the strongest example of this. The young petitioners were particularly experienced as climate advocates, which is probably predictable in such a high profile, international petition. Petitioners such as David Ackley III, Ranton Anjain, and Litokne Kabua participated in non-governmental youth climate organisation *Heirs to Our Oceans*, engaging in leadership development and advocacy for environmental protection.³⁴ Some *Sacchi* applicants established their own initiatives and organisations. The application document outlines for example that Applicant Greta Thunberg initiated *School Strike for Climate*, Ayakha Melithafa started Project 90 by 2030 *YouLead initiative*, and Alexandria Villaseñor founded *EarthUprising.org*.³⁵

There are other climate applications in which it has outlined that plaintiffs have established their own groups and initiatives. In *Juliana*, for example, it is outlined that young applicant Alex established a Climate Change Club at his high school with the goal of installing solar panels on the school’s roof, and also started the League of Umpqua Climate Youth (“LUCY”).³⁶ In *Neubauer*, the first complainant (Luisa Neubauer) is a co-founder of the “Fridays for Future” network—a movement founded and led by youth. In *Mathur v Ontario*, the court notes that the applicants have shown great commitment in terms of pushing for government action on the climate crisis:

The applicants have demonstrated commitment to pushing for rapid and effective government action through individual and collective action. They have significant

²⁹ *La Rose*, Complaint, p.55.

³⁰ *Ibid.*

³¹ *Held*, Complaint, p.82.

³² *Ibid.*

³³ *La Rose*, Complaint, p.50.

³⁴ *Sacchi*, Petition, p.9.

³⁵ *Sacchi*, Petition, p.10-11.

³⁶ *Juliana*, Ccomplaint, p.13.

concerns over the risks that climate change poses to their health and wellbeing, their futures, their lives, their communities as well as environment.³⁷

Some young plaintiffs have played leading roles advising policymakers in climate action before their petition. In *Juliana*, it's outlined that Plaintiff Xiuhtezcatl Martinez, then 15 years old, "has advocated for reductions in CO₂ emissions before local, state, federal, and international governmental bodies... served on the Presidential Youth Council... [and is] the youth director for his organization Earth Guardians."³⁸

It is noted that many of young litigants in these cases are part of very practical efforts to help with environmental efforts, including mitigation of the effects of climate change. In the *Navahine v Hawaii* application, it is outlined that "Navahine and her community have donated, filled, and placed over 1,000 sandbags along the highway to prevent the road from sliding into the sea."³⁹ It is stated that another applicant "is actively working to reforest native forests to mitigate climate change by curating native seeds; foundational to Hawai'i's food, life, culture, and genetic diversity, and essential to Hawai'i's resilience to changing climate conditions"⁴⁰

In *Juliana*, it is mentioned in the petition that Plaintiff Xiuhtezcatl is a very experienced climate advocate. He "has advocated for reductions in CO₂ emissions before local, state, federal, and international governmental bodies... served on the Presidential Youth Council... [and is] the youth director for his organization Earth Guardians."⁴¹ This shows direct child leadership, as Xiuhtezcatl plays a leading role advising policymakers and mobilizing youth in climate action. It is also outlined in the petition that another litigant, Alex, lobbied his state legislators to pass comprehensive climate legislation.⁴²

Another feature of applications is that there were many Indigenous leaders taking action for the climate. In the *Juliana* case for example, plaintiff Journey Z., then 15 years old, is a youth leader in many initiatives including a youth ambassador for the *Center for Native American Youth*, advocating directly to President Obama's administration.⁴³ This example of national-level child/youth leadership demonstrates how young Indigenous voices are influencing federal environmental discussions. In the *Mathur* application, it is outlined that applicant Shaelyn works on issues of climate change, biodiversity, Indigenous-led conservation as well as cultural and language revitalization.⁴⁴ Likewise, her fellow plaintiffs work on Indigenous food sovereignty (Shelby) and work on climate change impacts in surrounding communities and to youth (Madison).⁴⁵ Lindsay, it is outlined, is a community organizer focused on environmental, climate and Indigenous issues.⁴⁶ Many plaintiffs are outlined as leading their families in various climate aware endeavours. In *Juliana*, it is outlined that plaintiff Tia was participating in the Bend

³⁷ *Mathur et al.*, Complaint p.9.

³⁸ *Juliana*, Complaint, p.9-10.

³⁹ *Navahine*, Application, p.9.

⁴⁰ *Navahine*, Application, p.15.

⁴¹ *Juliana*, Complaint, p.15.

⁴² *Juliana*, Complaint, p. 13.

⁴³ *Juliana*, Complaint, p. 26-27.

⁴⁴ *Mathur* Pre-Trial Order, P.48-49.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

Energy Challenge. This is a nationwide energy-saving competition in which she was engaging “to help her family save energy and make their home healthier.”⁴⁷

It is very notable that the *Sacchi* applicants brought a petition to the UN Secretary General to declare a climate emergency. They emphasise quite strongly that they have been engaged in environmental work for some time, in spite of their young age. Unlike a number of these cases, all of the *Sacchi* applicants were under 18 at the time of their application to the UN Committee on the Rights of the Child. In their application to the UN Secretary General, the children outline:

We, the undersigned petitioners, are youth from around the globe. We have spent our childhood trying to send a message to the adult world: time is running out. But despite decades of warnings, the international community continues to delay treating the climate crisis as the emergency it is.⁴⁸

This powerful statement highlights both the work and leadership of these young advocates, as well as their messaging across generations in terms of the seriousness of the climate crisis.

4.3. *Child petitioners as representing children/youth; and/or representing humanity*

In a number of the cases the children and youth applicants emphasise that they are representing children either in their country, or around the world. The intention of young applicants to represent children around the globe is to be seen even in national cases. In the case of *Mathur v Ontario*, for example, it was stated that:⁴⁹

The applicants bring this challenge in solidarity with millions of youth in Ontario and around the world who are aware of the short period left to fight for their futures and who recognise the scientific consensus that there are just over 11 years left to ensure that temperatures do not increase above unsafe levels.⁵⁰

The point that young applicants are trying to make a difference for all children can be reflected by decision making bodies also. In the *Sacchi* decision it is also recognised that the young petitioners are representing children all over the world.⁵¹ In considering whether the failure of states to mitigate the climate crisis is a violation of their rights under the UN Convention on the rights of the child, the UN Committee on the Rights of the Child states that “... the scope of the climate crisis should not be reduced to the harms of a small number of children. Ultimately, at stake are the rights of every child, everywhere.”⁵² This wording suggests that the Committee on the Rights of the Child is recognising that these young petitioners constitute representational leadership for others—they are the claimants, but they are acting on behalf of a global child population.

In the proceedings themselves, there were oral hearings where child petitioners “explained to the Committee how climate change has affected their daily lives, they expressed their views about what the respondent States parties should do about climate

⁴⁷ *Juliana* (Complaint), p. 21.

⁴⁸ *Children’s Petition to the UN Secretary General*, Petition, p.2.

⁴⁹ *Mathur*, Complaint p.6.

⁵⁰ *Mathur*, Complaint, p.6.

⁵¹ *Sacchi*, Decision, p.2.

⁵² *Sacchi* Decision, p.3.

change...”—Here we see children performing leadership roles in speaking, policy advocacy, and representing peer and future generations in this international forum.⁵³

It is very rare that cases are taken whereby children are invoking their CRC Article 12 right to be heard/ participation rights. It is very striking however that in climate cases this tends to be a feature of at least some cases. In the *Sacchi* petition for example, the petitioners request the CRC to adopt recommendations ensuring that States make the best interests of the child a primary consideration in climate policy. They further request that children’s voices be included under Article 12 (right to be heard).⁵⁴ This argument is then recognised in the *Sacchi* decision, whereby the Committee on the Rights of the Child requests that States ensure “the child’s right to be heard and to express their views freely, in all international, national, and subnational efforts... in response to this communication.”⁵⁵ The Committee is explicitly seeking legal recognition and facilitation of child participation and leadership in climate governance, in the context of this decision.

In some of the cases, the applicants claim that they are representing future generations. In *La Rose*, it is stated that “each of the plaintiffs, or the plaintiffs as a group, have public interest standing to assert the rights of all children and youth in Canada at present and in the future. Each of the plaintiffs have a demonstrated, serious and genuine interest in the subject matter of this litigation.”⁵⁶ In *Neubauer* however the plaintiffs stated that they are not representing future generations, who do not have constitutional rights under the relevant national laws in Germany. It has been argued that it is somewhat unhelpful whereby there is a conflation of the rights and interests of children, and those of future generations (Nolan 2024), however that is defined. Nevertheless, it is a powerful phenomenon that in many of these child and youth involved climate cases, children and youth applicants are purporting to speak for future generations. It gives the sense that children and youth are connected to multiple generations, and that there is a connectivity between humans which children and youth are well placed to represent.

4.4. *Child/youth leadership and the outcomes of cases*

Many of the domestic decisions do not have much focus on children and youth as leaders in climate action. In *Mathur*, the court makes reference to the arguments of the young plaintiffs:

They argue that Ontario’s response to climate change has been to set a target that commits the province to a dangerously high level of greenhouse gas emissions between now and 2030, knowing that it causes imminent harms to current and future generations of Ontarians. They say that Ontario is discriminating against youth and future generations on the basis of their age by forcing them to disproportionately bear the brunt of undisputed climate harms. The devastating impacts of climate change will be broadly felt, and youth, future generations, and Indigenous peoples will be uniquely and disproportionately impacted.⁵⁷

⁵³ *Sacchi* Decision, p.10.

⁵⁴ *Sacchi* Petition, p.7.

⁵⁵ *Sacchi* Decision, p.3.

⁵⁶ *La Rose*, Complaint, p. 7.

⁵⁷ *Mathur* Decision, p. 12.

Courts and petition bodies frequently highlight that children possess distinct, enforceable rights regarding climate protection. This points to children and youth not as active victims in the climate crisis but rather as legal persons who are asserting their rights. The legal arguments and claims, it is noted above, are a key indicator of the leadership role that young climate litigants have taken on. These claims are then being reflected in the outcomes of applications. Take for example the *Saachi* decision, in which the Committee on the Rights of the Child notes that children are rights holders who are at particular risk in the climate crisis: “Because children are among the most vulnerable to these life-threatening impacts, physiologically and mentally, they will bear the burden of these harms far more and far longer than adults... the climate crisis is a children’s rights crisis.”⁵⁸ This wording appears to reframe children as central rights holders in the climate crisis, rather than just victims.

There is a sense however of recognition that children are still victims of the climate crisis. This (children and youth as victims) is a prominent argument within child/youth climate applications, which is perhaps to be expected. This is because applicants usually have to argue their victim status, and prove that it is due to harm caused by the inadequacy of government measures to target climate change. Proving victim status can be a key element of success in a court case. This is particularly so in international human rights law. In the *Duarte Augustino* case for example before the European Court of Human Rights the application states that:

The applicants argued that they were actual victims who had been directly affected by the respondent States’ violations. Anthropogenic climate change had already exposed and would continue to expose them to intensifying harms. They were also potential victims who had produced reasonable and convincing evidence of the likelihood that violations affecting them personally would occur. As global warming increased, the harm to the applicants would inevitably worsen (a fortiori if it exceeded 1.5°C). They faced risks of additional harms (referring to the circumstances set out in paragraph 26 above). They belonged to a specific segment of the population that was particularly affected by climate change.⁵⁹

In cases with successful outcomes, (*Navahine*, *Do-Hyun*, *Future Generations*, *Neubauer*, *La Rose*, *Held*), the courts often outline the ways in which they agree with the young litigants in relation to the harms suffered. In the case of *Held v Montana*, for example, the court states:

Plaintiffs have proven that as children and youth, they are disproportionately harmed by fossil fuel pollution and climate impacts. 9. Plaintiffs have proven that they have suffered injuries that are concrete, particularized, and distinguishable from the public generally. 10. Plaintiffs suffer and will continue to suffer injuries due to the State’s statutorily mandated disregard of climate change and GHG emissions in the MEPA Limitation, and due to SB 557’s removal of MEPA’s preventative equitable remedies with Mont. Code Ann. § 75-1-201(6)(a)(ii).⁶⁰

⁵⁸ *Sacchi* Decision, p. 2.

⁵⁹ *Duarte Agostinho et al.*, Decision, p. 52.

⁶⁰ *Held* Decision, p. 87.

It is evident from the findings of the court that children/youth are being portrayed as active agents who have proven in court that the climate crisis is particularly affecting them, and that the state is at fault.

The case of *Navahine* is an extraordinary example of the recognition of children's leadership and the outcome of their case. The defendant government settled with the petitioners. It is stated that the "Youth Plaintiffs and the public shall have at least thirty (30) days to provide feedback and comments on the GHG Reduction Plan." That the Plaintiffs will have the opportunity to have an in-person meeting with senior officials to discuss their comments and feedback on GHG reduction measures.⁶¹ Likewise, in *Future Generations v Minister of the Environment* an initiative was later introduced whereby the young applicants would be part of efforts prevent harm to the forests. In *Future Generations*,⁶² the applicants argued (as outlined above) that the Colombian government fell well short of commitments to reduce deforestation.⁶³ The court ordered that government authorities, "in coordination with the actors of the National Environmental System and the participation of the plaintiffs, the affected communities, and the interested population in general" to create an action plan to counteract deforestation and tackle climate change. The court also ordered that an "intergenerational pact for the life of the Colombian Amazon - PIVAC" be formulated, to reduce deforestation to zero and to engage in climate change adaptation.⁶⁴

These two examples are very striking instances of leadership of children and youth not just within the applications and judgments of these climate cases. They point to recognition by the relevant courts of the key role of these young climate applicants in climate action. These courts are positioning children and youth in a way that ensures continuing involvement in the resolution of the problems caused by the failure of governments to adequately mitigate the climate crisis. These examples are an indicator of the value, and importance of the leadership of children/youth in mitigating the climate crisis, and possibly points to increased children youth participation in the future.

5. Conclusion

Children and youth are taking climate cases in large numbers. Through this they are demonstrating distinct and invaluable climate leadership. We examined 15 key climate cases to establish how and whether the work and leadership of young climate advocates are portrayed in these cases. These climate cases are part of an exciting trend whereby children and youth are acting as leaders when it comes to climate action, a new era which has been described as postpaternalism. This era involves grassroots, global action by children/youth to influence human rights. They are working with adult allies as equals, and more present in human rights efforts than before. Climate cases are one indicator of how it is now more typical for children and youth to be consulted, to be involved, and to participate in efforts to mitigate the climate crisis—a key feature of postpaternalism. It is important therefore to examine how children are being portrayed in the text of petitions and judgments in these cases.

⁶¹ *Navahine* Decision, p. 5.

⁶² *Future Generations* Decision.

⁶³ *Future Generations* Decision, p. 1.

⁶⁴ *Ibid*, p. 10.

The really exciting portrayal of children and youth as leaders for the climate is perhaps best seen in the applications that they are making to courts around the world. The legal arguments of these applicants contribute strongly to climate action as they outline the personal and community burdens that they face because of climate change. They outline for example the loss of their homes and culture; health issues; and anxiety which they must overcome through climate action. They are changing human rights law by bringing their unique experiences to the table. Their stories of leadership are inspiring and likely garner attention to these cases that would not pertain to cases brought by adults and older people. The *Sacchi* petition for example garnered a lot of interest from the media. Media attention is important, perhaps as important as the legal outcome (Daly 2022b).

Most of the judgments do not include significant discussion or a reflection of the leadership status of the children taking these cases. It could perhaps have been expected that, considering the prominence of child/youth climate action generally, and child/youth involvement as litigants in most of these cases, there would have been more explicit reference to this in judgments. At the same time, the task of judges is not to focus on the background of litigants (for its own sake) in the cases that come to them. It is rather to focus on the arguments that they bring to the table, and the background litigants if that's relevant to the arguments. In many of these child/youth-involved climate cases, the arguments are frequently novel and very progressive in law. In *Mathur* for example the court acknowledges the arguments of children that they are being discriminated against because climate change, and therefore the inaction of their governments to tackle it, effects them disproportionately as a group. It is groundbreaking that such arguments are being made in relation to children and youth as a group, because this is almost unheard of as an argument before the advent of such climate cases (Daly 2025).

The child/youth petitions do however frequently include much reference to the work and leadership of the young climate litigants. Many applications open with an explanation of the background of the litigants, often including some of their life experiences and some of the ways in which they are impacted personally by the climate crisis. Decisions have likely been made between children/youth and their lawyers to include this information in a petition. Perhaps in cases where children's leadership is not explicitly reflected on in this way, lawyers have opted for pragmatic reasons, related to the nuances of the particular legal system, to follow the more traditional route whereby they represent the arguments of their clients without reflecting too much on the background of their clients. The cases in which children's leadership is highlighted extensively could point to cases in which the lawyers have decided it's helpful for communication reasons or other reasons to point to the experiences of their clients with advocacy for the environment. In the *Sacchi* petition for example (where the background of the litigants was given significant attention) there were particularly high profile litigants including Greta Thunberg. This undoubtedly contributed to the level of media interest in the application.

There are other important conclusions drawn about the situating in these climate cases of young litigants as leaders. In a number of these cases, the applicants emphasise that they are representing children/youth either in their country, or around the world. It is very striking that the UN Committee on the Rights of the Child recognised that "... the

scope of the climate crisis should not be reduced to the harms of a small number of children. Ultimately, at stake are the rights of every child, everywhere,”⁶⁵ recognising that the young applicants were not just asserting their own rights, but those of all children. There is also leadership to be seen in the fact that in some of the climate cases the applicants claim that they are representing future generations, e.g. in *La Rose*.⁶⁶

Although the level of reference to the work and leadership of young climate advocates was not as prominent as the researchers expected in the judgments of these cases, the involvement of children/youth in these cases is crucial for human rights and for the climate. It is crucial that children/youth are taking these cases, and that the distinctive experiences and voices of young claimants are being heard and recorded in legal systems in many parts of the world. It also has to be acknowledged that in many of these cases, laws and policies are being impacted in ways that will mitigate the climate crisis, and therefore these young litigants are progressing the rights of us all.

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⁶⁵ *Sacchi* Decision, p. 3.

⁶⁶ *La Rose* Complaint, p. 7.

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