

Discussion

By William Myers and Michael Bourdillon



Recently, United Nations Secretary General Antonio Guterres, dismayed by lack of progress toward international agreement to be formalized at November's COP-27 world meeting on climate change, observed, "We have a choice: collective action or collective suicide." This paper, and the Declaration that it explains and elaborates, address precisely this choice in terms of its implications for today's children¹ and generations to come.

The Declaration, *Climate Destruction is Child Abuse*, draws to the attention of the public and its leadership the damage inflicted on children by failure to protect the global environment. It was compiled by a group of international professionals in child rights and protection and has been endorsed by a large number of their colleagues, together with a number of organizations advocating for children. It originated from their concern that although known threats to children from climate change have been amply documented by researchers, publicized,² and loudly protested by children themselves, these are not being adequately addressed by either official child protection services or non-governmental child-advocacy and humanitarian agencies. The greatest ever long-term global threat to children is failing to attract adequate attention. An informal group of these child-concerned experts have explored the issue, including hearing from children themselves. They reviewed abundant evidence that effects of global warming are causing serious harm to children both in the present and for their future prospects. Moreover, such climate harm to children too often results from policies or actions by governments or business leaders who have been warned of long-term adverse consequences to children of these actions, but who nevertheless give preference to short-term political and economic interests. Such behavior – knowingly harming or exploiting others for one's own benefit or satisfaction – is generally classified as abuse. Egregious abuse of this type directed against children is a form of violence against them. The Declaration draws attention to this conclusion: personal and social behavior that destroys climate livability can and should be considered abuse of children, now and into the future.

¹ In this paper, we use the term "child" following the definition of the United Nations Convention on the Rights of the Child: "every human being below the age of 18 years". We use the term "youth" to cover those up to their early 30s.

² For example, UNICEF *The Climate Crisis Is a Child Rights Crisis*, 2021. See also the annotated bibliography by Frederique Seidel, *Climate solutions as a vital child protection measure*, 2022.

The importance of public discussion

The main purpose of the Declaration is to stimulate public awareness and discussion. It follows an effective tradition of avid public discussion about social abuses of children, which in some countries goes back 200 years. During early industrialization in Europe, child advocates sparked broad public attention to children in dangerous and exploitative labor, which led to government action prohibiting those abuses. In other parts of the world, more recent public attention to social abuse suffered by street children is leading to new means for incorporating them into protective society. In both these cases, as in others, raising widespread abuses of children to public awareness and discussion has led to better options for children and reduction of social predation that exploits and injures them. We hope that worldwide discussion of the abuse of children by destroying the planet they inherit will in a similar way both open new possibilities for children and restrain those who would prey on children and their future.

This discussion invites participation from many perspectives. In the next sections of this paper, we consider discussion from four groups – children and youth, health experts, legal assistance groups, and professionals in child rights and protection. We then consider how to understand and address abuse, how this relates to understandings of children's rights, and how to make authorities and others accountable to children.

Discussion from children and youth

Most important is the perspective of the young. Children and youth have dramatically opened global public discussion through massive protests against government and corporate climate inaction that they consider abusive of their rights and future. It is estimated that in 2019 well over a million of them protested in streets worldwide, and even since COVID struck in 2020 they have remained vocal. The Declaration observes that children and youth perceive as betrayal adult disregard for them and their future, which they loudly protest and raise to the world public for recognition and remediation. As teen-aged Greta Thunberg put it in her address to gathered government representatives at a United Nations climate summit meeting:

You have stolen my dreams and my childhood with your empty words... People are suffering. People are dying. Entire ecosystems are collapsing. We are in the beginning of a mass extinction, and all you can talk about is money and fairy tales of eternal economic growth. How dare you!...

You are failing us. But young people are starting to understand your betrayal. The eyes of all future generations are upon you. And if you choose to fail us, I say: We will never forgive you.³

³ <https://www.npr.org/2019/09/23/763452863/transcript-greta-thunbergs-speech-at-the-u-n-climate-action-summit>

It is not just Greta who feels this way. A recent survey⁴ of 10,000 youth in 10 countries from around the world found that over half of them reported such feelings of abandonment and betrayal. Research supports such worries and verifies that children are in various ways the main victims of climate change, comprising the vast majority of those suffering illness and death from its impacts by reason of their special vulnerabilities.⁵

Discussion from health experts

Pediatricians and other health professionals who monitor the impact of climate change on children constitute an important expert group contributing to the public discussion. The International Society of Social Pediatrics and Child Health (ISSOP) has published a declaration of its own: “Responding to the impact of climate change on children and youth” (March 2021).⁶ It announces, “The climate crisis is a child rights crisis,” and, “Child health professionals must follow the lead of the world’s youth and develop long-term relationships with them as we collaboratively respond to the existential threats of the climate crisis on children and childhood.” Scientific research demonstrating that health harm from climate change disproportionately impacts children has been so widely disseminated and discussed that all national governments are likely to be aware of it, as are corporations involved in fossil fuels, whether or not they choose to consider this research in their climate decisions. Decisions that significantly harm children seem therefore to be deliberate.

In an editorial perspective (August 2021) in the journal, *Child and Adolescent Mental Health*, Dr Lise van Susteren argued,

As we consider the magnitude of the physical and emotional harm, especially the cumulative toll to young people, it should be clear that deliberate neglect by inaction or insufficient action on climate, occurring with full knowledge of the consequences, renders this a painful but obvious conclusion: This aggression against children, who are already known to be suffering deeply, must be called what it is: a form of child abuse.⁷

Increased public attention has been called to burgeoning mental stress among youth attentive to climate threats, and popular video and printed materials are increasingly available to assist them.⁸ Some health experts have been exploring how to unite the scientific and social foundations of a sustainable environment in which children can thrive. Reflecting a holistic Planetary Health perspective, for example, pediatrician Susan Prescott has produced publicly available audio-visuals and other

⁴ Caroline Hickman et. al., “Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey”, December 2021

⁵ Sheffield and Landrigan, 2011, “Global Climate Change and Children’s Health: Threats and Strategies for Prevention”; and Anne V. Sanson, et. al., 2019, “Responding to the Impacts of the Climate Crisis on Children and Youth”.

⁶ https://www.issop.org/cmdownloads/issop_declaration_on_climate_change/

⁷ <https://acamh.onlinelibrary.wiley.com/doi/10.1111/camh.12496>. Cited later (Aug 2, 2022) by the author of a San Francisco Chronicle OP ED under the heading “Call Congress’ inaction on climate change what it is: child abuse.”

⁸ For example, Sarah Jaquette Ray, 2020, *A Field Guide to Climate Anxiety: How to Keep Your Cool on a Warming Planet*, University of California Press.

materials on links between the fate of children and the state of nature, suggesting positive steps needed to ensure that both thrive in our Anthropocene epoch.⁹ She argues that climate, the biosphere, and children must be nurtured together.

Discussion from legal assistance groups

Several years prior to the mass mobilization of children to protest government disregard of their rights to a viable future through inattention and inaction on climate change, legal experts in environmental, constitutional, and human rights had begun to explore how to protect children and their futures from the harmful effects of climate change by holding governments accountable in courts of law. In 2015, Our Children's Trust (OCT), a non-governmental public-interest law firm dedicated to this cause, filed the case, *Juliana v. U.S.*, brought by child and youth plaintiffs against the U.S. government. While the Federal Government employed every available legal tactic to obstruct and stall the case, a decision which is poised to lead the youth to trial is expected at any moment. OCT also supports active cases in various U.S. states and other countries. On its website, it typically lists news about climate-change cases brought by children against their governments in more than a dozen countries. Currently in Europe, six Portuguese children and young adults have brought their case against 33 European countries to the European Court of Human Rights (ECtHR).¹⁰ The young plaintiffs are represented by Global Legal Action Network (GLAN) and they allege that, collectively, government inaction on climate change violated their human rights to life and family life. The ECtHR has elevated this case to its Grand Chamber and as of this writing it is awaiting trial. These cases, like many others, have received major publicity – a full length feature documentary on the Juliana case, "YOUTH v. GOV", is available for streaming on NETFLIX.

To fit their specific contexts, such court cases draw on a wide range of legal approaches, including other types of human rights law and constitutional law. On occasion they venture beyond the familiar to innovate and test new legal theories and approaches. Because laws and legal systems differ between countries, so do approaches to cases to hold government to account. For instance, there is wide agreement that medical and other scientific data about child well-being provide the best information concerning the impact of climate change on children and what needs to be attained to protect them. Nevertheless, in some cases prior government commitment to far less rigorous substitute standards, such as a maximum acceptable level of warming, may provide a more likely route to success in trial. This raises the debatable question of how and when, with children's future at stake, does one make trade-offs between the preferred result that is less likely and the inferior but still positive one that is more probable.

⁹ <https://www.youtube.com/watch?v=ykHRw3QckAk>

¹⁰ <https://youth4climatejustice.org/>

Discussion from professionals in child rights and protection

Another group, only recently and tentatively entering public discussion of children in climate change, is the official child rights and protection system, largely comprised of professional social workers, family lawyers, and social scientists, in both service agencies and academia. Some are associated with official child protection services, and others with national or international child advocacy and humanitarian organizations. Within this profession, there is diversity, even dissension, since not all actors working in the field perceive “child protection” the same way.

For example, for mostly historical reasons, official child protection policy through government agencies has long been conceptually and bureaucratically organized around abuse against children that is primarily inter-personal, something that happens primarily in family and local community settings. Those focusing on children in the context of family and other caregivers naturally and correctly emphasize upholding the individual well-being of children and their inter-personal relations. Large international humanitarian organizations advocating for children, on the other hand, by the nature of their mission respond to children’s needs as a product of their contexts – poverty, refugee displacement, natural disaster, and so on. They are not driven by the same family-caretaker focus that dominate government concerns over child abuse and neglect. When humanitarian child-protection organizations are caring for children in refugee camps, their roles and understandings of child protection are very different from those of the child protection services of a government chasing down child-beating parents and guardians.

Complicating the situation still further, studies in public health and social science since the 1960s have graphically illustrated how much of the most damaging violence against children today is systemic or “structural”, a viewpoint popularly understood as social injustice. Some of the most devastating damage to children’s lives comes from such things as war, gross poverty, unjust discrimination against specific groups, and now climate change – these rather than breaches of established norms of child care. Neither the family-oriented nor the humanitarian-oriented approaches are adapted to dealing with this kind of threat to children.

No single protective approach seems able to address the variety of children's protection needs. These different perspectives are appropriate to different kinds of action on behalf of children, and the diversity is constructive, provided no one viewpoint is held to be exclusively correct.

Considering violence and abuse against children

Different focuses for protection result in different emphases on the violence from which children are to be protected, and consequently how the concept of “child abuse” is to be understood. If the focus of protection is at the individual level, child abuse will be primarily understood at the inter-personal level. If on the other hand the inter-personal notion of child abuse is expanded to encompass systemic violence like climate destruction, much current institutionalized ideology and practice would have to change. Some in the professional child-protection community fear that such expansion might disrupt the way the field of child protection has led to better options for children and reduced social predation. Accordingly, they defend the current narrower inter-personal or local focus as more functionally operable, even while acknowledging that violence can have structural causes.

From this limited traditional perspective, however, it is difficult to process – or even to see – as forms of child abuse those categories of violence that are institutionalized, systemic or structural, of which climate destruction is an especially dramatic example. A growing number of professionals in the protection community are arguing that, to meet the realities in the 21st century and to attend to egregious ways in which children’s lives are being damaged, concepts of abuse and violence need to be expanded to encompass systemic forms.

Public usage, especially usage by children and youth themselves, has forged ahead with a broad understanding: irresponsible climate destruction is depicted as abusive. This paper, and the Declaration it explains, endorse this depiction.

The move to universal norms

Trying to find at least some common bases for policies meeting this extreme variety of protective needs, child protection professionals have over the last thirty years increasingly turned to international human rights as the most likely foundation. If useful commonality is not to be found in children’s situations, perhaps it can be discerned in their claim to attention, which under a series of international treaties and national laws can be construed as their human right. This has led to an emphasis on international definitions and norms that help guide national efforts to protect children. The World Health Organization (WHO) has the international lead on child abuse, which it recognizes as a major threat to children’s survival and health, and it is instructive to view climate destruction as abuse from that perspective.

In its current international guideline for all nations to follow, the WHO defines “child maltreatment” as follows:

the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.¹¹

The climate-related threats to children's physical and mental health, and indeed to their survival, are in many cases traceable to social and political negligence and exploitation on the part of government authorities, who have been empowered and entrusted to protect and promote the well-being of the very children they are endangering. Such negligence and exploitation therefore meet the WHO definition of child maltreatment.

However, in its programs implementing this definition, WHO has adhered primarily to traditional views of child abuse as violence children suffer from home and community caregivers. It has yet to explore the possibilities for broader, social-systemic applications inherent in its definition, and to address the situation of children harmed by climate change and related factors. The problem therefore remains of losing sight of major threats to children in a limited focus of violence and abuse against specific individuals and groups.

Considering children's rights

International discussion of violence against children has become inextricably bound up with the concept of children's rights, and its interpretation and implementation. This is a relatively new phenomenon, having come to prominence in the 1990s, and there is still much discussion about precisely what these rights are and how they should be applied. How to depict harm to children by climate destruction is caught up in this mega-discussion, which now involves all the groups we have mentioned.

The child-protection community has been especially drawn to the body of international child rights, particularly the United Nations Convention on the Rights of the Child (UNCRC, 1989). This Convention, which all countries except the United States have ratified and are obligated to implement, demands that national governments (called States Parties)

shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.¹²

¹¹ <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>

¹² <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (Article 2,2)

The Convention thus makes ratifying governments responsible for the protection of children under its clauses, becoming in effect social guardians to children. Ideally, this should obligate signing nations to protect children from the list of abuses covered in the WHO definition of maltreatment.

There is a problem, however, in that the UNCRC is written to apply to each child rather than to children as a class. This has made it especially accessible to those thinking about child abuse from a family and community perspective; those protecting children in humanitarian contexts also find some basis in it, as well as in other international rights instruments, to help justify and guide their interventions. The preamble to the UNCRC presents the family “as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children”, which “should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”. Accordingly, the UNCRC largely centers its concern around caregivers, understood as persons close to the child, and does not mention, as does the WHO definition of maltreatment, wider application to anyone in “a relationship of responsibility, trust, or power”, who may inhabit higher layers of society. The UNCRC barely touches on systemic issues.

The Convention does, however, contain clauses that some interpret as applicable to wider contexts: some suggest that the concept of “who has the care of the child” can include anyone from family to government. There is currently open professional and public discussion of how to address the impact of climate change from within the visions and strictures of child rights as guided by the UNCRC: the UN Committee on the Rights of the Child is preparing a “General comment on children’s rights and the environment, with a special focus on climate change”.¹³ Nevertheless, such interpretations can seem to strain the general focus of the Convention on interpersonal forms of violence and more localized contexts. Historically, the Convention has been more an influence toward maintaining the perception of family and community as the source of child abuse than becoming a beacon to expand the idea of abuse to systemic issues of social justice like climate change.

The UNCRC was drafted and passed by 20th Century professional diplomats to respond to 20th Century conditions, and is not always easily adaptable to changed situations and challenges that children face in the 21st Century, the threat of climate change being a major case in point. This is illustrated in a recent report on a rights-based approach to ending violence against children by an international working group that includes representatives of professional societies from around the world concerned with pediatrics and child abuse and neglect, together with representatives from UNICEF, WHO, and the World Bank.¹⁴ The report notes that, in

¹³ <https://www.ohchr.org/en/treaty-bodies/crc/concept-note-general-comment-childrens-rights-and-environment-special-focus-climate-change>. “General comments” are interpretations by the appropriate monitoring committee, often suggesting approaches to treaty provisions.

¹⁴ Raman S, Muhammad T, Goldhagen J, Seth R, Kadir A, Bennett S, et al, “Ending violence against children: What can global agencies do in partnership?” *Child Abuse and Neglect*. 2021;119. Italics in the original.

violence against children, “We used both a child-rights and public health lens approach to defining violence, including acknowledging *structural violence*, particularly for children and young people from the majority world, and the root cause determinants of VAC [violence against children]”. Although emphatically committed to include structural violence, the report makes scant reference to it. There are references to “root causes of violence” with “social, economic and civic aspects”, but no strategies to address fundamental political and economic injustices causing children both harm and vulnerability to it. Recommended practices for ameliorating the effects of violence against children and assessing progress in its elimination focus quite traditionally on child and adult actors involved, and do not address ways to intervene in broader structures driving many of the problems. The failure of this gathering of well-intentioned prominent experts to address structural violence even when they had pointedly placed it on their agenda indicates the difficulty in addressing complex systemic topics like climate change solely from within the existing international conceptual and institutional framework of children’s individual rights. Other perspectives may be necessary.

Recognizing this, some prominent leaders and experts in child rights have begun pressing for complete revision of concepts and mechanisms relating to children’s rights, especially challenging the restriction of the notion of rights to what is determined by elites in international institutions or states, and instead recognizing that holders of rights, and in this case children, contribute to shaping their “living rights” in the social world.¹⁵ Moreover, research has shown that children’s interests are often served badly when approaches to child rights are based on legal norms decided politically rather than on empirical contextual observations on children’s lives that take into account their structural situation.¹⁶ In the face of government and business inattention, irresponsibility or outright obstruction, massive youth activism addressing climate change both illustrates how current applications of child rights fall short of meeting the needs of young people, and demonstrates what child and youth contributions to the determination of their own rights might look like. Certainly, this activism fuels the demand to reconceptualize the role of children as social actors and to reconstitute their recognized human rights to reflect their legitimate and growing agency.

The Declaration on climate destruction as child abuse supports the efforts of young people to have a say in shaping their rights, thereby having a say in policies that influence their lives. This means that current practice relating to child rights, together with some of the thought behind it, needs to be updated both to address systemic injustice exemplified by climate destruction and to allow children and youth more influence in defining the rights they should enjoy.

15 For example, Karl Hanson, “[Reinventing Children’s Rights](#)”, *Childhood*, May 12, 2022, which refers back to Hanson K, Nieuwenhuijs O., “Living rights, social justice, translations”, in their edited work, *Reconceptualizing Children’s Rights in International Development*. Cambridge: Cambridge University Press; 2013, 3–25. For an illustration of how street children have shaped their rights in practice, see van Daalen E, Hanson K, Nieuwenhuijs, O., “[Children’s Rights as Living Rights: The Case of Street Children and a new Law in Yogyakarta, Indonesia](#)”, *International Journal of Human Rights*, 2016;24(4), 803–825.

16 For example, Howard and Okyere, *International Child Protection*, Palgrave-Macmillan 2022; and Ghazal Keshavarzian, *Dismantling and Reconstructing International Human Rights*, Columbia University, May 2022

Moving towards greater climate accountability to children

The Declaration ends by suggesting how to move toward greater climate accountability to children. It first calls on everyone to support those who are protesting climate destruction. Chief among these are the child and youth climate protestors, who in massive numbers raise their voices around the world but are largely ignored by decision makers and power brokers in government and business climate policy. Even though some young protesters have been able to enter government offices or even have been invited into meetings of top international leadership, their message has not been taken seriously, as Greta Thunberg complains in the quote early in this paper.

Since the challenge is less to augment child voices than to make adults pay serious attention to them, the Declaration aims to support child and youth protestors – especially as world leaders approach Cop 27 – by encouraging adults to recognize and live up to their foundational moral and legal responsibilities as caretakers of the young and their future. Fully supporting the future of our young may challenge us to question the much about the way we now live, ranging from the nature of our economic system, to the propriety of our own consumer behavior, to even the organizational ethics of child protection agencies accepting donations from fossil fuel companies. Everyone needs to realize that failure to live up to that responsibility constitutes violence against children, commonly called child abuse. The question remains as to how to make the perpetrators of this violence accountable.

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Child abuse is a crime, punishable by fines, incarceration, or other measures. The Declaration suggests that government violence against children through deliberate inattention to, or obstruction of, responsible climate policies should, in addition to all other available legal remedies, be addressable as a crime. The idea that irresponsible action by policy and business should be considered criminal is a topic of popular and academic discussion.¹⁷ Recently a former U.S.

¹⁷ For example, Ronald Kramer, *Carbon Criminals, Climate Crimes: Critical Issues in Crime and Society*, Rutgers University Press, 2020. <https://en.unesco.org/courier/2019-3/climate-crimes-must-be-brought-justice>.

Vice President and prominent climate action leader, Al Gore, was quoted as saying of big oil companies' efforts to block action, "I think it's the moral equivalent of a war crime... I think it is, in many ways, the most serious crime of the post-World War Two era, anywhere in the world, The consequences of what they've done are just almost unimaginable." (BBC July 22, 2022).

Exactly what crimes perpetrators of climate destruction should be charged with is an open question, with various possibilities that are not mutually exclusive. The Declaration suggests that where children are primary victims of climate destruction, one reasonable option for criminal prosecution would be child abuse. In most places current legal structures would make that difficult if not impossible; so substantial legal and other institutional change may be necessary. But the vision of pursuing especially egregious perpetrators of climate violence against children as common criminals has strong moral foundations. It is not immediately clear why an individual parent or caregiver harming an individual child should be criminally accountable, while individuals and organizations knowingly harming huge numbers of children remain exempt.

A caring way forward

The Declaration ends by calling for adoption of "an ethos of care, ecological stewardship, and responsibility at all levels of governance". This ethos is increasingly raised in public discussion as the need for long term vision of planetary interconnectedness and interdependence that leads, as the Declaration puts it, to "collectively reject the deadly prioritization of profit over both people and planet".

Some recent popular literature is exploring what this means in practice, phrasing the challenge as one of being good ancestors, properly concerned with the legacy that we will leave not only our own children, but also for generations to come.¹⁸ This is child nurture, the opposite of child abuse, and is where we as the guardians of today's and tomorrow's children must go. The nurture of our children must involve the nurture of nature, the biosphere of the planet of which they are an integral part, and which we must not allow to be destroyed by climate irresponsibility.

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¹⁸ For example, Roman Krnsarik, *The Good Ancestor*, Penguin, 2021; Jamil Zaki, *The War for Kindness*, Penguin, 2019; Topa Wahinkpe (Four Arrows), Darcia Narvaez, editors, *Restoring the Kinship Worldview*, Penguin, 2022.

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