

## **Mechanisms for Protecting Children's Rights from the Effects of Climate Change**

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### **Abstract**

The purpose of the study is to demonstrate the extent of climate change on children's ability to survive, grow, and thrive, as well as the extent to which children are protected from the effects of climate change in accordance with international and national legislation, identify protection mechanisms and make proposals for their development to ensure greater protection and reduce the effects of climate change on children. This research follows a comparative analytical approach between the Declaration on Children and the Jordanian Constitution. It indicates the most important elements and mechanisms for protecting children's rights against climate change ramifications in light of the international legislative system and the Jordanian legislation. The results of the study reveal that climate change has very negative effects on public health as children began to show signs that they were the most affected with regard to other consequences of climate change. The study's findings focus on protection mechanisms and make proposals for their development to ensure greater protection and reduce the effects of climate change on children.

**Keywords:** Children's Rights, Human Rights, Climate Change, Healthy Environment, Environmental Justice, Climate Justice

### **Introduction**

The mechanisms for protecting children's rights are important issues at the international and national levels. Therefore, direct consultation at the national level is required to allow as many NGOs and individuals as possible, to express their views on issues of a general nature that may affect them or pose a threat to their security or lives (Al-Hayagna, 2021; Al-Billeh, 2022a; AL-Hammouri et al., 2023).

The importance of the article is therefore reflected in the examination of the relationship between the human rights movement and the environmental movement. So, environmental organizations in different countries around the world have invoked

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the International Covenant on Civil and Political Rights or the International Covenant on Economic Rights to demand and defend citizens' environmental rights.

The study aims to demonstrate the extent of climate change on children's ability to survive, grow and thrive, as well as the extent to which children are protected from the effects of climate change in accordance with international and national legislation, identify protection mechanisms and make proposals for their development to ensure greater protection and reduce the effects of climate change on children.

Therefore, we will address several international, regional, and national problems, so that children who are particularly affected by climate change are considered to be marginalized groups that need additional protection in international and national legislation to establish protection mechanisms to mitigate and adapt to the effects of climate change and to ensure that children can exercise their rights. We will answer several legal questions. What is the international protection of children from the effects of climate change? What restrictions and conditions must be in place to protect children from the effects of climate change in the light of conventions and declarations? What is the national protection of children from the effects of climate change in light of Jordan's legislation?

### **Methodology**

The study has therefore adopted a descriptive and analytical approach, in which the descriptive profession will describe the position of the Jordanian legislature by listing the various rules relating to the protection of children from the effects of climate changes in the light of conventions and declarations.

As far as the analytical approach is concerned, the aim is to analyze the constitutional provisions of the Jordanian Constitution and to indicate the most important elements and mechanisms for protecting children's rights against climate change ramifications in light of the international legislative system and the Jordanian legislations.

### **Results and Discussion**

#### **International Protection of Children from the Effects of Climate Change**

Although human rights are shaped in an integrated system, they have been divided according to their historical appearance into three generations of rights. Civil and political rights (first generation) emerged in 1966, then economic, social and cultural rights (second generation) in 1966, and (third generation) lie at the heart of the idea of social solidarity, which is no longer limited to the local level, but includes its extension to the global scale, and emerged in 1972 which resulted in the right to live in a healthy and appropriate environment (Al-Billeh, 2022b; Al-Hadithi, 2003; Al-Billeh et al., 2023). The idea of enshrining the rights of the third generation of

human rights, known as solidarity rights, dates back to developments in humanity since the mid-twentieth century, which changed reality and affected the way of life, and included a range of rights, namely, (The right to peace, development, respect for the common human heritage and the right to a healthy and appropriate environment) One of the most developed rights in the third generation was the right to the environment (Yunus, 2007; Al-Billeh, 2022c; Al-Hammouri & Al-Billeh, 2023).

The right to a healthy environment is therefore a combination of negative and positive rights. They are therefore all negative rights that oblige the country not to be exposed to the pollutants that affect them in general and in detail. They are also positive rights that oblige the country to take the necessary action and ensure that this right is protected from violation or contamination (Al-Billeh & Abu Issa, 2023; Al-Billeh & Al-Hammouri, 2023; Isa et al., 2022; Al-Billeh & Al-Qheiw, 2023).

They are necessarily individual rights aimed at meeting the basic needs of individual and collective rights while protecting the community from the dangers of environmental pollution, which has a negative impact on this right. This is why they are called solidarity rights that are directly linked to individuals at the practical level and countries as members of the international organization (AL-Hammouri et al. 2023; Livson et al. 2021; Al-Billeh, 2022d).

### **Protection in the Light of Conventions, Declarations and Resolutions**

According to the report, while poorer countries must make more efforts to support their children's ability to live in good health, excessive carbon emissions -- caused by disproportionately wealthier countries -- threaten the future of all children. If global warming exceeds 4 degrees Celsius by 2100, in line with current projections, this will have devastating health consequences for children as a result of rising oceans, extreme heatwaves and the spread of diseases such as malaria and dengue fever, as well as malnutrition (Al-Khawajah et al. 2022; Alshible et al., 2023; Al-Billeh et al., 2023).

In fact, the indicator shows that children in Norway, the Republic of Korea and Holland have the best prospects for survival and well-being, while children in the Central African Republic, Chad, Mali, the Niger and Somalia face the worst expectations. However, when the authors took into account the individuals' per capita CO<sub>2</sub> emissions, it was found that the countries that were at the top of the list were in recent positions: Norway ranked 156, the Republic of Korea ranked 166 and Holland ranked 160. Each of these three countries is 210% above the target set for 2030 in terms of per capita CO<sub>2</sub>. The United States of America, Australia and Saudi Arabia are among the 10 most emitting CO<sub>2</sub> emissions countries.

So, this bitter reality has become very clear. The greatest uncertainty about these challenges is what policymakers will do about them. Therefore, jurists' criticism of public international law can be directed at international environmental law. Although there are many international conventions, the lack of mechanisms to operationalize them and the predominance of international economic interests will inevitably lead to a violation of the right to a clean environment (Alkhseilat et al. 2022a).

Living in a healthy and peaceful life is one of the most prominent human rights. And this right has several aspects, one of which reveals the close connection between the human right to life and the right to a clean environment. Because the human right to life is essentially subjected to significant and difficult-to-repel abuse from environmental hazards and pollutants that are not adequately regulated by the countries' rules. As well as, environmental pollutants from industrial enterprises that are not deterred by the absence of legislation regulating their activities and limiting their adverse effects on the environment, or by their inadequacy or ineffectiveness. The protection of the environment is, therefore, the protection of the human right to life, and the environment is therefore one of the dimensions of human rights, and they stand together today at the center of the list of human concerns (Alkhseilat et al. 2022 b).

In fact, the human right to live in an appropriate and sound environment is both a right and a duty, because those who have the right to a healthy environment have a duty to protect them from all types of pollutants, just as time has done. An important role in determining the content of this right, that the human right to a healthy environment is appropriate not only for present generations but also for future generations. The time dimension of this right is clear in the obligation of present generations to respect the rights of future generations in a healthy environment, based on the theory (intergenerational justice) that each generation has a duty to leave the environment in a better state. Or in a situation that is no worse than the State in which it was received for future generations. This principle is more important in times of war and crisis than in times of peace, because the dangers that are likely to occur in these times are remarkable and their effects are more devastating to the environment than in times of peace, so there is almost no chance that they will be addressed in front a real threat to one of the most important human rights. The 1948 Universal Declaration of Human Rights provides for the right to life, which is also guaranteed under the International Covenant on Civil and Political Rights. But we can't just look at the right to life against a criminal background; the right to life is protected by the Penal Code, whereby anyone who commits a murder is punished. But we must also look at the Covenant against an environmental background, if it is self-evident that the human right to life needs to be protected against any aggression against it, it also

needs environmental conditions that ensure the sustainability of life on Earth. Without clean air, clean water, and persistent environmental resources, it is difficult and even impossible to protect the human right to life (Almanasra et al. 2022a).

The right to a healthy environment therefore exists in the purposes of article (25) of the Universal Declaration of Human Rights. Although it is not explicitly provided for, this article provides that everyone has the right to a standard of living in which he or she maintains his or her health, family's health, and well-being, including the right to food, clothing, medical care, and necessary social services. Article (11) of the International Covenant on Economic, Social and Cultural Rights recognizes an individual's right to an adequate standard of living for himself and his family, including adequate food, clothing, and drinking, and article (12) of the right to the enjoyment of the highest attainable standard of health. To achieve this, what is necessary to preserve various environmental and industrial aspects must be taken.

Substantive analysis of these texts has led to a close correlation between the environment and human rights. These charters were drafted in the period between (1948 and 1966), which means before the environment took into account the current understanding and momentum, environmental awareness was embryonic, and hazards were in their infancy.

The right to participate in decision-making is also one of the syndromes of the right to the environment. This is through a process of direct consultation that can take place at the national level to allow as many NGOs and individuals as possible, (whether through them or through their elected representatives) to express their views on issues of a general nature that may affect them or pose a threat to their security or lives. Such participation is thus instrumental in the decision-making process in all spheres of life, political, economic, and social, through the development of the legislative structure (Almanasra et al. 2022b).

Countries must work in a participatory manner with civil society institutions concerned with the environment support it physically and morally, and make environmental protection a matter of concern for all in the public and private sectors and all members of society (Alshible, 2023).

The right to the environment is also linked to the right to property and the inviolability of a human being's privacy, especially when his property and health are assaulted by pollutants in their forms. The European Court of Human Rights confirmed, noting that countries are required to make environmental information available and to request assessments of environmental impacts that may have a negative impact on the enjoyment of human rights. For example, on the basis of everyone's right to respect their private and family life contained in the European Convention on Human Rights (art. 8), the European Court noted that: the relationship between the right to the environment and the inviolability of human life and the

inviolability of the home prepared the indirect basis for respect for the right to a clean environment. The Court concluded that environmental pollution caused by the licensing of a factory for its work and industrial activities near a residential area is a violation of private life and the inviolability of housing. In this regard, particular reference was made to the European Court, which considered that countries had a fundamental duty to establish a legislative and administrative framework that would provide protection against violations of the right to life as a result of natural disasters and hazardous activities, including the operation of chemical industrial units and waste collection sites, permitting the response to such irregularities.

As the greatest resource of any nation is man, a healthy and balanced environment has become a right for him/her; because it guaranteed and supplemented the rest of the rights guaranteed under international human rights conventions. John Knox (the independent expert on human rights and the environment) the interrelationship between human rights and the environment human rights; for a healthy environment is essential to the enjoyment of human rights, and the exercise of human rights is essential for a healthy environment. The report of the independent expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy, and sustainable environment identified many issues that need to be addressed, including those related to global and transboundary environmental harm, such as climate change; non-State actors such as multinational corporations, vulnerable groups; including children, displaced persons, and indigenous peoples.

The relationship between the human rights movement and the environmental movement has become more interdependent and broader, than in the past, and is documented in the international human rights movement. Environmental organizations in different countries of the world have invoked the International Covenant on Civil and Political Rights or the International Covenant on Economic Rights to demand and defend citizens' environmental rights, and environmentalists have learned that claiming civil, political, and economic rights is the best way to protect the environment human rights ", especially since such demands are civil rights, people exercise their civil rights within freedom of expression in order to protect their societal rights associated with the environment. (Omar, 2023). It should be noted that international law conventions are due to environmental disasters (desertification, ozone hole, nuclear waste, and climate change) (Al-Qawi, 2002). The environmental movement defends peoples' interests, while anti-human rights movements defend individual rights, and international law protects individual and national rights, but local communities and other small communities often find themselves at the center of environmental problem such as the implementation of dam projects and mining places in the absence of legal protection (Abdel Hafiz, 2007; Al-Tal & Samara, 1989). Environmental protection has been transformed into a new

human rights battlefield. As demand for land and resources increases, companies rush to new areas where they expand their activities as part of deals with self-interested government officials in many cases. Environmental NGOs in the Arab world often face pressure to restrict their activities and put them under surveillance after the official government realizes that public opinion is beyond the capacity of political parties and organizations that have been marginalized for decades. However, civil society working on environmental protection and climate change faces multiple threats from governmental and non-governmental actors. In his 2021 report to the General Assembly of the United Nations, the Special Rapporteur on the right to freedom of peaceful assembly and association (UNSR). Kleiman N. calls for people around the world to defend their land and demand a green future. Violent repression has also increased". This global trend is characterized by the adoption of legal and illegal measures against climate activity, including anti-protest legislation, physical attacks and illegal surveillance of climate advocates, arrests and criminalization of climate protesters, and the exclusion of civil society groups from climate negotiations.

### **Protection in Light of UN Resolutions and Declaration on Children, Youth, and Climate Action**

More than one in four children under the age of five -- or 1.7 million -- lose their lives each year as a result of avoidable environmental impacts, while millions more suffer from disease, disability, and a range of other forms of harm, many of which result in lifelong harm.

Therefore, toxic air pollution and chemicals lead to the climate crisis and unprecedented loss of global biodiversity, environmental issues pose serious and systematic threats to children's rights enshrined in the United Nations Convention on the Rights of the Child and endanger the lives of present and future generations. As threats to individuals and communities defending their environmental and land rights increase in many parts of the world, the United Nations Environment Program and the United Nations Office for Human Rights prioritized efforts to promote and protect these environmental and human rights as the United Nations General Assembly adopted a landmark resolution which declares that access to a clean, healthy and sustainable environment is a universal human right and supported the resolution 161 countries, including Jordan (Alwan & Al-Moussa, 2007). China, Russia, Belarus, Cambodia, Iran, Syria, Kyrgyzstan, and Ethiopia abstained from voting. The resolution, based on a similar text adopted by the Human Rights Council last year, calls on countries, international organizations, and commercial companies to intensify efforts to ensure a healthy environment for all.

The resolution emphasizes that the recognition of the right to a healthy and sustainable environment is a human right and is linked to the system of rights in international law. Countries that have recognized any form of the human right to live in a healthy and sustainable environment by ratifying international agreements must implement the requirements necessary to strengthen this right in their constitutions and strengthen international cooperation to enshrine this right.

According to the United Nations Special Rapporteur on human rights and the Environment (David Boyd), the Assembly's decision would change the very nature of international human rights law. In a dialogue with United Nations news, he said that Governments had made promises to clean up the environment and address the climate emergency for decades, but that having the right to a healthy environment changed people's perspective from "begging" Governments to asking them to act, as he put it.

The Executive Director of the United Nations Environment Program (Inger Andersen) said: "Since the Stockholm Declaration of 1972, this right has been incorporated into constitutions, national laws, and regional conventions. Today's resolution sets the right to where it belongs: universal recognition ". She also stressed that recognition of that right was a victory that we must celebrate, but we must now build on that victory and apply that right and point out that this decision is not legally binding, in the sense that countries are not legally bound to comply. However, the recognition of the right to a healthy environment by United Nations bodies is expected to be a catalyst for action and enable ordinary people to hold their governments accountable.

As the Secretary-General of the United Nations has said, the newly recognized right will be crucial in addressing the planet's triple crisis of major interrelated environmental threats currently facing humanity: climate change, pollution, and loss of biodiversity -- all mentioned in the text of the resolution.

Human rights are those rights inherent in our nature that we cannot live without as human beings. The right to the environment is one of the rights guaranteed by the third generation of human rights or what are termed solidarity rights. In recognizing the human right to a clean environment, it has only been since the 1960s and 1970s, especially after the Stockholm Conference in 1972 that the content of the right to the environment is somewhat ambiguous. The human right to a safe, clean, healthy, and sustainable environment is enshrined in constitutions, regional laws, policies, and agreements adopted by more than 150 countries and environmental protection is a necessary enabling condition for the effective enjoyment of the human rights enshrined in treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

These rights are guaranteed to all persons without discrimination on the basis of sex or gender under those treaties, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women. In protecting the right to a healthy environment, countries should consider the needs of persons and peoples disproportionately affected by environmental damage. In late March 2021, the UN Human Rights Council adopted a resolution calling for a human rights-based approach to preserving and restoring natural areas. This resolution helps protect the environment and contribute to sustainable development. We have seen significant developments regarding the undeniable link between human rights and the environment, reflected in Resolution No. 46/L.6.Rev1 so that countries' human rights obligations with regard to the environment are becoming clearer and more acceptable. More than 155 States have now recognized some form of right to a healthy environment in international conventions, constitutions, or national legislation and policies.

The adoption of Resolution No. A/77/L.58 on the date of 1/3/2023, was a very important resolution by the United Nations General Assembly, which included a request for an advisory opinion from the International Court of Justice on countries' obligations to climate change and which is described as an unprecedented challenge.

The resolution was introduced by Vanuatu and supported by a large number of Member States, including Morocco, Angola, Germany, Antigua and Barbuda, Portugal, Bangladesh, Costa Rica, Samoa and New Zealand. Alitwe Ismail Kalsakau reviewed the draft resolution prior to its adoption and the climate change situation. Kalsaso said that climate change had had devastating effects on many countries and peoples around the world, and that the situation could deteriorate considerably due to the lack of immediate and bold action - noting that his country (Vanuatu) had been hit by two successive severe hurricanes within days. Mozambique had also been hit a few weeks earlier by the devastating hurricane Freddie, which had set a record for prolonged and intense deployment, and noted the continuing drought in the Horn of Africa and the Sahel floods in Bangladesh, Pakistan, and Vietnam, and very high temperatures in Canada and southern Europe last summer and flooding in Germany. All these events have resulted in loss of life and destruction. And the most affected countries were often the least contributors to greenhouse gas emissions.

The resolution was based in particular on the Charter of the United Nations, the International Covenant on Civil and Political Rights, other relevant agreements and treaties, and previous United Nations resolutions, and the General Assembly's resolution requested the International Court of Justice to render an advisory opinion on:

- Countries' obligations under international law to protect the climate system and other environmental aspects of anthropogenic greenhouse gas emissions.
- The legal implications of these obligations for countries that, through act or omission, cause significant harm to the climate system and other aspects of the environment, in particular for small island developing States, and to present and future generations at risk. Adverse effects of climate change.

### **National Protection of Children from the Effects of Climate Change in THE Light of Jordan's Legislation**

Climate justice is a moral imperative and a prerequisite for effective climate action, so the Hashemite Kingdom of Jordan's environmental rights must be constitutionalized like other countries, children's participation in climate and environmental decision-making, and children's integration into climate issues to contribute to climate justice (Al-Momani, 2004; Al-Billeh & Abu Issa, 2022; Al-Billeh, 2023a).

### **Environmental and Climate Legislation**

The Kingdom's environmental policy and legislation system is evolving and the Ministry of Environment assumes its institutional role and duty on the basis of its available financial, human and administrative resources (Al-Khalidi, 1997; Al-Billeh, 2023b). It believes that the national environmental challenge is a common concern requiring commitment, conviction, and belief in the importance of environmental protection for all Jordanians and future generations as a human right. Which requires harmonization of ethical and behavioral values voluntary commitment, and enforcement of laws and regulations. Also, requires addressing environmental and development challenges that are becoming increasingly entrenched in environmental rights and strengthening the role of the Ministry of Environment at the legislative, administrative, and technical levels (Al-Malkawi, 2009; Al-Khawajah et al., 2023; AL-KHALAILEH et al., 2023).

### **Children's Rights and Climate Rights Act**

Children are exposed to many risks as a result of climate change, including inadequate basic services such as safe drinking water in sufficient quantities, sanitation, health care, education, food, floods, heat waves, insect and infectious diseases, allergies, and chest diseases, lead pollution, access to clean air, housing, freedom from exploitation, and their right to survival for people exposed to extreme weather events such as hurricanes and wildfires. Unfortunately, children are exposed to multiple shocks that are often overlapping (Musaeida & Al-Lafi, 1996).

Recent studies in the field of reproductive health have indicated that climate risks such as rising temperatures, pollution, and wildfires have a negative impact on reproductive health, increase the risk of premature birth, and that there is evidence that mothers from the most marginalized population are more vulnerable to climate risk (Al-Khalayleh, 2010; Masseno, 2020; Al-Billeh, 2022e). The study is one of the most important steps to mitigate the effects of climate change on children and reduce greenhouse gas emissions in order to avoid the effects of the climate crisis, which requires comprehensive and urgent action. Taken to provide children with climate education and environmentally friendly skills, which are critical to adapting to and preparing for the impacts of climate change. In response to climate change, countries must respect, promote, and consider their human rights obligations, the right to health, the rights of indigenous peoples and local communities, migrants, children, persons with disabilities, and persons in vulnerable situations, and the right for development, as well as gender equality, women's empowerment and intergenerational equality (Kashakish, 1998; Faganello & Muniz Fiuza Neto, 2021).

Climate change has psychological effects, such as exposure to anxiety, stress, and anger, as well as exposure to sleep disorders and fear of climate change. As a result, parents have a key and essential role to play in the children's explanation process, in addition to raising children's awareness of this change, alerting them and educating them that this change is natural beyond human will (Al-Freihat, 2008; Kashakh, 1998)

### **Conclusion**

The health and future of children and adolescents around the world are at imminent risk as a result of environmental degradation, climate change, and exploitative business practices that drive children to eat fast, intensively processed food, sugar-sweetened beverages, alcohol, and tobacco.

In fact, children are physiologically and emotionally more vulnerable to these risks because of their stage of development and are also among the least empowered to exercise their fundamental rights to information, listening to them in decision-making on environmental issues and seeking justice for them. Despite the enormous barriers they face, children have consistently demonstrated the ability to provide meaningful and robust responses to environmental risks.

Finally, climate justice is a moral imperative and a prerequisite for effective climate action. Therefore, the Hashemite Kingdom of Jordan must have an environmental rights constitution like other countries. Also, children's participation in climate and environmental decision-making and the integration of children into climate issues to contribute to climate justice is a threat to international peace and

security, besides raising children's awareness of climate education and environmentally friendly skills.

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