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# LEGAL EMPOWERMENT TO ADVANCE CLIMATE AND ENVIRONMENTAL JUSTICE FOR CHILDREN IN EAST ASIA AND THE PACIFIC

## Guidance for Malaysia

1 March 2022

### ● WHAT ARE CHILDREN'S RIGHTS TO A HEALTHY ENVIRONMENT?

Important international organisations and a growing number of countries recognise that children have legal rights to a healthy environment.

These include things like the right to a safe climate and the right to breathe clean air. They also include the right to live in a healthy ecosystem and for everyone to use natural resources in a sustainable way.



## ● WHAT IS LEGAL EMPOWERMENT?

Legal empowerment is an idea about how people can take steps by themselves to fully enjoy their rights. This can involve using the law or taking other action that does not involve the law.

## ● WHAT ARE CHILDREN DOING TO PROTECT THEIR RIGHTS?

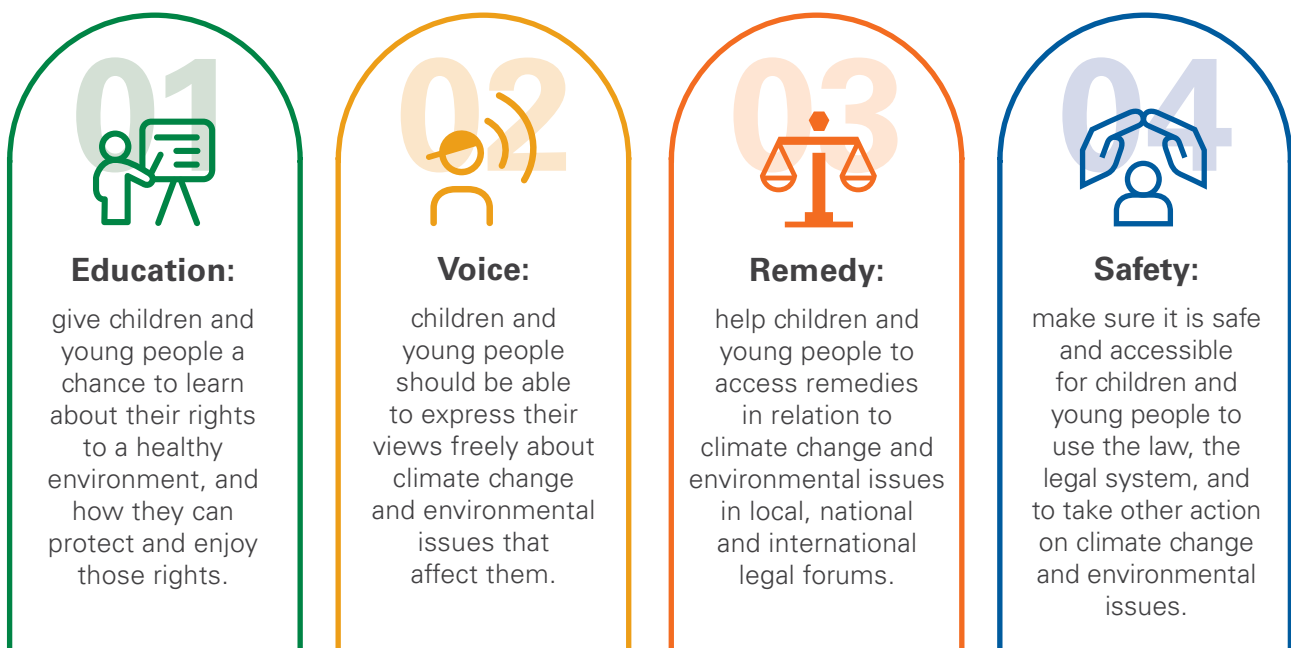
Children and young people around the world are learning about their rights and what action they can take to protect them. They are sharing their views about climate change and environmental issues that affect them. They are taking steps to make sure they can fully enjoy their rights.

## ● WHO CAN HELP?

Lots of different people and groups can play a part in helping children to be involved, to be heard, to take action, and to share their experiences:

- Other children and young people
- Parents, caregivers, teachers
- Civil society organisations (like youth organisations, environmental organisations, legal organisations, schools and universities)
- Governments
- International organisations (like UNICEF)

## ● STEPS TOWARDS CHILDREN'S LEGAL EMPOWERMENT





## ● ACTIONS TO SUPPORT CHILDREN'S LEGAL EMPOWERMENT

Actions for children, young people and caregivers			
Education	Voice	Remedy	Safety
<p><b>Learn:</b></p> <ul style="list-style-type: none"><li>• about what action has been taken around the world on climate change and environmental issues.</li><li>• about your legal system.</li></ul> <p><b>Connect:</b></p> <ul style="list-style-type: none"><li>• with youth organisations, social media and community groups involved in climate and environmental justice causes.</li></ul> <p><b>Educate and Share:</b></p> <ul style="list-style-type: none"><li>• young people and caregivers with access to legal education and training can share their knowledge and experience with their communities.</li><li>• schools and teachers can support learning about climate change, environmental degradation, climate and environmental rights and the legal system.</li></ul>	<p><b>Share:</b></p> <ul style="list-style-type: none"><li>• what you have learned about climate change, environmental degradation, your rights and your legal system.</li><li>• your views, your experiences and what action you can take on climate and environmental issues.</li></ul>	<p><b>Consider:</b></p> <ul style="list-style-type: none"><li>• all solutions (not just legal solutions) that are available if a child's climate or environmental rights are breached</li><li>• how you can support or act on behalf of children and young people in legal processes.</li></ul>	<p><b>Support:</b></p> <ul style="list-style-type: none"><li>• children to be safe when sharing and advocating online.</li></ul>





## Actions for civil society organisations

Education	Voice	Remedy	Safety
<p><b>Share:</b></p> <ul style="list-style-type: none"><li>• child-friendly information on the law and science behind children’s climate and environmental rights.</li><li>• on websites, social media and to schools and learning centres.</li><li>• how children can get involved in your activities.</li></ul> <p><b>Connect:</b></p> <ul style="list-style-type: none"><li>• to a legal empowerment network.</li><li>• children and young people to your network.</li></ul>	<p><b>Create:</b></p> <ul style="list-style-type: none"><li>• child-friendly toolkits and guidance on advocacy. Involve children and young people in their development.</li><li>• platforms for children to be involved in your organisation.</li></ul>	<p><b>Advise:</b></p> <ul style="list-style-type: none"><li>• children and young people on legal processes.</li></ul> <p><b>Represent:</b></p> <ul style="list-style-type: none"><li>• children and young people in legal proceedings.</li></ul> <p><b>Advocate:</b></p> <ul style="list-style-type: none"><li>• for independent and specialised children’s rights institutions to be established.</li></ul> <p><b>Network and Share:</b></p> <ul style="list-style-type: none"><li>• experiences across different countries and legal systems on advancing children’s climate and environmental justice.</li></ul>	<p><b>Advocate:</b></p> <ul style="list-style-type: none"><li>• for changes to the law that will protect children from legal cases that could limit them from participating in public issues.</li></ul> <p><b>Support:</b></p> <ul style="list-style-type: none"><li>• children and young people to manage the risks of online bullying.</li></ul>





## Actions for international organisations

Education	Voice	Remedy	Safety
<p><b>Organise:</b></p> <ul style="list-style-type: none"><li>• campaigns for children and young people.</li><li>• forums for young people to share their knowledge and experiences of climate and environmental issues.</li><li>• partnerships with young climate activists and youth-led organisations.</li></ul> <p><b>Support:</b></p> <ul style="list-style-type: none"><li>• the creation of legal empowerment networks.</li><li>• the training of community legal workers.</li></ul>	<p><b>Encourage:</b></p> <ul style="list-style-type: none"><li>• youth participation in forums about climate and environmental justice.</li></ul> <p><b>Create:</b></p> <ul style="list-style-type: none"><li>• leadership roles and networks for children and young people.</li></ul>	<p><b>Support and Advocate:</b></p> <ul style="list-style-type: none"><li>• training for judges and legal officers on climate and environmental science, and children's rights to a healthy environment.</li></ul>	<p><b>Advocate:</b></p> <ul style="list-style-type: none"><li>• for changes to the law that will protect children from legal cases that could limit them from participating in public issues.</li></ul> <p><b>Raise awareness:</b></p> <ul style="list-style-type: none"><li>• of the risks to children and young people of online bullying.</li></ul>





## Actions for government

Education	Voice	Remedy	Safety
<p><b>Raise awareness:</b></p> <ul style="list-style-type: none"><li>of children's rights to a healthy environment.</li></ul> <p><b>Educate:</b></p> <ul style="list-style-type: none"><li>by including an education on climate and environmental rights in the national curriculum.</li></ul> <p><b>Invest:</b></p> <ul style="list-style-type: none"><li>in programmes to train legal workers in the community, especially in remote communities with limited or no access to legal services.</li></ul>	<p><b>Include:</b></p> <ul style="list-style-type: none"><li>children and youth in all public consultations relating to climate change, the environment, and children's access to the law.</li></ul> <p><b>Create:</b></p> <ul style="list-style-type: none"><li>with children and young people at all levels of decision-making on climate and environmental matters.</li></ul>	<p><b>Create:</b></p> <ul style="list-style-type: none"><li>specialised children's rights institutions.</li><li>action plans on children's climate and environmental rights.</li></ul> <p><b>Provide:</b></p> <ul style="list-style-type: none"><li>legal aid and free legal services for children and young people for climate and environmental justice issues.</li></ul> <p><b>Promote:</b></p> <ul style="list-style-type: none"><li>the climate and environmental rights of children and young people in international forums.</li></ul> <p><b>Consider:</b></p> <ul style="list-style-type: none"><li>joining the Optional Protocol to the Children's Rights Convention.</li></ul>	<p><b>Review:</b></p> <ul style="list-style-type: none"><li>national laws to make sure they do not prevent children from bringing legal cases that could limit them from participating in public issues.</li></ul> <p><b>Develop:</b></p> <ul style="list-style-type: none"><li>protections for children and young people who take action on climate and environmental issues through the law.</li><li>cyber-safety plans to protect children from online bullying.</li></ul>







## ● DID YOU KNOW?

- **The Office of the Children’s Commissioner** is a special division of the Human Rights Commission of Malaysia. Children and other people can make a complaint about something that has impacted their rights and the Commission will investigate.
- The Office of the Children’s Commissioner is creating a Children’s Consultative Council. Children will be able to share information about the problems they face and the problems faced by their communities.

## ● WHAT ACTION IS BEING TAKEN BY CHILDREN AND YOUNG PEOPLE IN MALAYSIA?

- **Klima Action Malaysia** is a youth-led climate activist group. It is focused on building meaningful partnerships across civil society organisations and vulnerable communities such as women, indigenous people and young people, to support climate action.

### These are some of Klima Action’s projects:

Organising climate strikes in Malaysia and working with other groups to organise the Asia Climate Rally in 2020.	Sending letters to petition for the protection of forests and sharing responses they have received from government.	Discussing environmental and climate change issues with global organisations like Greenpeace.
Working with other organisations to advise people who will speak in parliament on environmental issues.	Creating and sharing information on climate change that can be understood by all people.	Using social media and online platforms to build networks and educate people on climate change.



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## ● WHAT ARE CHILDREN AND YOUNG PEOPLE DOING ACROSS EAST ASIA AND THE PACIFIC?

GLOBAL	AUSTRALIA	INDONESIA	MALAYSIA
<p><b>Communication to the United Nations Committee on the Rights of the Child</b></p> <p>A group of children made a complaint that 5 countries had violated their rights by contributing to climate change.</p> <p>The Committee decided that the countries do have control over the emissions that contribute to the harm to children, even if outside their territory, and also that there was a link between the harm and the actions of their governments.</p> <p>However, the Committee was not able to make a final decision, because you must try all legal solutions in the country you live in before applying to this Committee.</p>	<p><b>Sharma v Minister for the Environment</b></p> <p>A group of children brought a lawsuit to claim that the Australian Environment Minister owes Australian children a duty of care when deciding whether to approve the expansion of a coal mining project.</p> <p>The Court found that the Minister did owe a duty of care to children when making a decision about expanding the coal mining project. The Minister successfully challenged this decision through a legal appeals process.</p> <p>The children are now deciding whether to appeal the latest decision to a higher court.</p>	<p><b>Bye Bye Plastic Bags</b></p> <p>Two sisters in Bali started a movement against using single-use plastic. Bye Bye Plastic Bags create educational materials and workshops to teach people about plastic and pollution.</p> <p>Several cities in Indonesia have banned single-use plastics or plastic bags as a result of the work of many organisations with missions like Bye Bye Plastic Bags' mission.</p> <p>Bye Bye Plastic Bags are now creating an online platform called YOUTHTOPIA, which will provide training and workshops for young people interested in climate action.</p>	<p><b>Klima Action Malaysia</b></p> <p>Klima Action Malaysia is a climate activist group run by young people. It is focused on building partnerships with civil society organisations and vulnerable communities such as women, indigenous people and young people, to support climate action.</p> <p>They have organised climate strikes in Malaysia and worked with young people in other countries to plan the Asia Climate Rally in 2020.</p> <p>The group writes letters to parliament and succeeded in convincing their government to protect local forests.</p>
MONGOLIA	PHILIPPINES	THAILAND	VANUATU
<p><b>Air pollution mapping project</b></p> <p>YouCAN is a "Youth for Clean Air" programme started by UNICEF, the Scout Association of Mongolia (Mongolyn Skautyn Kholboo) and the Mongolian Government.</p> <p>The programme supports young people to conduct air quality monitoring and share information to reduce the risks of air pollution in Mongolia. YouCAN also provides training to young people to help them understand air pollution data.</p> <p>It also acts as a youth platform for advocacy on climate change issues. YouCAN supports a 'Teen Parliament' which engages with the Mongolian Parliament.</p>	<p><b>Minors Oposa v Factoran</b></p> <p>This was a lawsuit to prevent the destruction of rainforests. The claim was based on the Constitution of the Philippines, which says there is a right to a <i>"balanced and healthful ecology in accord with the rhythm and harmony of nature"</i>.</p> <p>The Court said that this environmental right is fundamental and that every generation has a responsibility to future generations.</p> <p>This case was the first in the world to recognise the rights of children to a healthy environment.</p>	<p><b>Klity Creek litigation</b></p> <p>Villagers in Lower Klity Village brought 2 lawsuits against the Department of Pollution Control and a lead company, for pollution of a local waterway.</p> <p>The Supreme Court decided that the villagers' rights to benefit from nature, and their rights to living in a healthy environment, had been violated.</p> <p>The Supreme Court decided that the lead company owed money to the villagers and that the government failed to stop pollution that caused harm.</p> <p>The children involved also advocate at the Mekong Youth Assembly.</p>	<p><b>International Court of Justice Advisory Opinion</b></p> <p>Pacific Islands Students Fighting Climate Change is a student organisation. They are campaigning for a global court (called the International Court of Justice) to give an Advisory Opinion that will decide a legal question about climate change and the human rights of present and future generations.</p> <p>An Advisory Opinion would provide an important legal basis for action on climate change around the world, including as information for legal cases in international and domestic courts.</p> <p>The group includes young people from different countries, including law students.</p>