



15 January 2021

Youth Verdict

Statement on Australia's Universal Periodic Review

Introduction

We are Youth Verdict - an organisation of young people from across Queensland, Australia, who are using the law to fight for our human rights and climate justice.

We acknowledge that wherever we are in Queensland, we are on the stolen lands of First Nations people and that their sovereignty has never been ceded.

We note that in exercising our human rights as citizens of the Australian Nation, and for those of us who are not Indigenous to this land, we must also accept our responsibility for the effects of colonisation, dispossession, and human rights abuses that persist to the present and adversely impact First Nations people.

Our group includes and actively centres the leadership, demands and sovereignty of Aboriginal and Torres Strait Islander people in their fight for justice. We act in alignment with Aboriginal and Torres Strait Islander communities towards decolonisation, self-determination and land rights – and have dedicated First Nation leadership within our organisation.

We pay our respects to Elders past, present and emerging; and to the laws and customs and traditions that have existed on this continent for thousands of years.

When called upon to do so, we stand in solidarity with First Nations people, committed to their fight for cultural rights and the protection of Country - of their traditional territories.

As young Queenslanders we have experienced the climate impacts of extreme floods, drought and bushfires firsthand. We are witnessing the global warming-fuelled destruction of the Great Barrier Reef.

We represent different faith groups, different cultures and different life experiences. But we are united by the need to fight for intergenerational equality and the human rights of all young people and acknowledge, in accordance with the United Nations Declaration of the Rights Of Indigenous Peoples, that First Nations peoples must be afforded measures of restorative justice to uphold their human rights, alongside the democratic rights of others.

We aim to create an equitable and accessible space for young people across Queensland, and in Australia, to participate in cultivating First Nations, social and environmental justice, by using



the legal system and leveraging political power to challenge human rights breaches and to advocate for the protection of human rights.

We want to build strong connections between communities and organisations across this State to work towards the shared vision of a just and sustainable world.

We therefore call upon the United Nations Human Rights Council to acknowledge and accept our submission and to use the power of its agency to exhort the Commonwealth Government of Australia, and the Governments of its States and Territories, to comply with its human rights obligations, especially with respect to climate change and the demands of climate justice. The issues

We are concerned about the Commonwealth Government of Australia's failure to protect our human rights in the face of potentially cataclysmic climate change. In fact, the policies of the Government are exacerbating global warming, placing the nation in breach of our human rights, including the right to life, the right to culture, the rights of the child and right to freedom from discrimination.

Australia is already one of the world's largest exporters of coal and natural gas, with no sign of slowing down, and does not project a significant decline in its emissions to 2030. Should Australia not decarbonize its economy by expanding renewable energy generation and storage, we are highly concerned that Australia will not meet its obligations to protect the human rights of young people.

Across Australia, climate change is driving extreme temperatures, heatwaves, bushfires, droughts, floods, sea-level rise, mass coral bleaching, and increasingly destructive weather events. These climate impacts jeopardise our future and are already harming our human rights.

Far from doing what it takes to protect the human rights of young people in Australia and around the world, Australia continues to fuel the release of greenhouse gases which drive climate change and contribute to threats to human rights.

First Nations Rights

Dangerous climate change, and the systematic ongoing extraction of fossil fuels that contribute hugely to this, are the next wave of impacts jeopardising First Nations peoples rights.

This breach occurs in the failure to include Free, Prior and Informed Consent in Australian law when it comes to mining operations on traditional territories, through to the impacts that global climate change is having on the natural and cultural resources, and the practices, laws and customs, and livelihoods of First Nations people.



We stand with young First Nations peoples whose human rights are being harmed by climate change. We stand with young people around the world including our neighbors in the Pacific region who face the loss of their land, homes, and culture to rising sea levels and extreme weather.

Rights of the Child

Although Australia has ratified the Convention of the Rights of the Children (CRC), this has not been implemented on a policy level, nor in government decision-making.

According to the *UPR Coalition Fact Sheet on Children's Rights*, "Australia's position is that the CRC does not extend to protection from climate change". The UPR Coalition notes that "this is contrary to statements by the CRC Committee." Australia has "not taken children's views into account in making decisions about climate change", and thus, the CRC Committee urged Australia "to ensure that children's views are taken into account in addressing climate change, the environment and disaster risk management".

Furthermore, the committee said that Australia "must immediately acknowledge that the CRC does extend to protect children from climate change", and that young people must be consulted for future significant decisions relating to climate change.

Right To Life

There is international acceptance that climate change impacts on the right to life. The Australian government and its states and territories, however, continue to approve new coal and gas projects that will make climate change worse. In our legal objection before the Land Court to Waratah Coal's mining lease and environmental approvals we argue that approving new coal mines is an infringement on our right to life.

We are looking towards a future of increased heat waves, prolonged drought and more intense bushfires, all of which will threaten our lives. With a finite global carbon budget, every new coal mine makes the impacts of climate change worse.

Right to Freedom from Discrimination

Everyone has the right to enjoy their human rights without discrimination. Climate change disproportionately impacts vulnerable people, including children, people in rural and remote communities and people living in poverty.

Australia's inaction on climate change therefore also infringes on the right to freedom from discrimination.



Our Request

We request that, at Australia's upcoming Universal Periodic Review, the United Nations Human Rights Council hold Australia to account and direct it to fulfil its human rights obligations to young people, to prevent foreseeable human rights harms by urgently reducing its contributions to climate change. Furthermore, we ask the United Nations Human Rights Council to urge Australia to take all necessary measures in preventing further human rights violations and to remedy those that have already occurred.

Specifically, we request that the UN HRC requires Australia to demonstrate that it is instituting the following measures as a matter of priority and urgency:

- 1. Mobilize maximum available resources to prevent human rights harms caused by climate change by setting enforceable deadlines to promptly phase out Australia's production, use, and export of fossil fuels; intensifying efforts to meet and strengthen its 2030 Paris Agreement emissions reduction target; and discontinuing support for activities that contribute to climate change.*
- 2. Respect, protect, and fulfil the right of children to express their views on climate change and to act in accordance with their right to a future free of exacerbated climate harm.*
- 3. Respect and protect the rights of First Nations peoples to their culture, self determination and to Free, Prior, and Informed Consent in relation to extractive industries on their ancestral homelands, by bringing Australian laws into conformity with the United Nations Declaration on the Rights Of Indigenous Peoples and all binding human rights conventions and international laws.*
- 4. Respect, protect, and fulfil the rights to freedom of expression and assembly by ensuring NGOs are not restricted through legislation and policing to advocate on environmental issues and to mobilise the public in peaceful protest.*
- 5. Ensure the human rights of people who are, and will be, impacted most by climate change including young people, First Nations peoples, Pacific Islanders and others are given added recognition and support to uphold their rights and safeguard their futures. These impacted groups hold agency and their experience and knowledge must be centred in all decision-making processes designed to uphold their rights.*
- 6. Adopt in law an enforceable right to a healthy and sustainable environment and ensure the policies and resources to set this goal as the long term national direction.*
- 7. Ensure that Australia's actions on mitigating climate change are consistent with respecting, protecting, and fulfilling human rights in other countries, particularly in small island states.*



References:

UPR (2019) *Australian Human Rights Scorecard Factsheet: Children's Rights*

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<https://www.edo.org.au/young-people-and-landholders-unite-to-challenge-clive-palmers-coal-mine/>