

**IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS  
ARUSHA, UNITED REPUBLIC OF TANZANIA**

**APPLICATION NO.: 001/2025**

In the matter of:

**A REQUEST BY THE PAN AFRICAN LAWYERS UNION FOR AN ADVISORY OPINION  
ON THE OBLIGATIONS OF STATES WITH RESPECT TO THE CLIMATE CRISIS**

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**AMICUS CURIAE BRIEF**

**Made under Rule 84(2) of the Rules of the African Court on Human and Peoples'  
Rights**

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## INTRODUCTION

1. The climate crisis is one of the most defining threats to the rights of children in Africa.<sup>1</sup> This threat is being deepened by the deliberate distortion of the information ecosystem on which children, their families, and their governments depend to understand and respond to climate change. This submission addresses the legal consequences of climate disinformation under the African Charter on Human and Peoples' Rights ("the African Charter") and the African Charter on the Rights and Welfare of the Child ("the African Children's Charter"), as it affects children. It submits that climate disinformation is not merely a public information problem; it is a human rights violation, and one to which States are obliged to respond.
  
2. In line with the Media Monitoring Africa Trust's ("MMA") particular areas of expertise and interest, and cognisant of the duty of an *amicus curiae* to provide submissions which are useful to the Court, MMA's submissions are narrowly tailored to the following key issues:
  - 2.1. First, MMA provides the Honourable Court with observations on the obligations that States have towards children as a result of their rights under the African Charter, the African Children's Charter, and related international instruments, with particular emphasis on the right to receive accurate information, freedom of expression, the right to participate in decisions which affect them, and the right to a healthy, sustainable, and satisfactory environment conducive to development.
  
  - 2.2. Second, MMA positions the importance of children as unique rights holders within the context of climate change and provides the Honourable Court with direct contributions from children on States' obligations to them within the context of the climate crisis; and

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<sup>1</sup> UNICEF "Putting children at the heart of climate action and supporting Africa's development" (2024) (Accessible [here](#).)

- 2.3. Third, MMA provides guidance to this Honourable Court on the obligations that States have towards children in providing meaningful digital literacy and Media and Information Literacy (“MIL”).

## **MMA’S *AMICUS CURIAE* APPLICATION AND STATEMENT OF INTEREST**

3. MMA sought leave to be admitted as an *amicus curiae* in the matter of Request for an Advisory Opinion no. 001/2025 (“Advisory Opinion Request”) on 3 December 2025. This request was made under Rule 84(2) of the African Court on Human and Peoples’ Rights Rules of Court (“Rules of Court”).
4. On 28 May 2026, the Registrar of the African Court on Human and Peoples’ Rights issued a notice indicating that the Court had considered MMA’s application to be admitted as an *amicus curiae*, and that it was granted leave to file its brief within 45 days from the date of receipt of the same notice. The below accordingly constitutes MMA’s *amicus curie* brief.
5. MMA is a South African not-for-profit organisation which was established in 1993. It is an innovative organisation which plays an active role in advocating for access to information, freedom of expression, and the responsible free flow of information to the public across the African continent. MMA exists to uphold our shared humanity by ensuring accountability and by providing access to credible, transparent information that empowers all.<sup>2</sup>
6. As was demonstrated in MMA’s application to be admitted as an *amicus curiae*, MMA has a clear interest in the subject of the Advisory Opinion Request, particularly around States’ obligations to children in the climate crisis. MMA has worked across

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<sup>2</sup> For more information on MMA, see [here](#). For the avoidance of confusion, it is noted that at the time of preparing this brief, MMA is in the process of rebranding to Moxii Africa.<sup>2</sup> The objectives of the organisation, as set out above, remain the same. For more information on MMA’s rebranding to Moxii Africa, see [here](#).

a variety of projects concerning access to information, freedom of expression, children's rights, and climate justice. On the intersection between access to information, freedom of expression, and children's rights, MMA launched the Web Rangers programme in 2016. The Web Rangers programme provides young people with critical skills and knowledge around online safety in order to empower them to be active citizens and participate in decisions and discussions which affect them.<sup>3</sup>

7. The Article 12 Working Group ("the Article 12 Group") is made up of Web Ranger ambassadors who have been trained in digital literacy and have a special interest in policy work. All of the Article 12 Group members are children, ranging in age from 13 to 17 years old. Article 12 Group members engage in Information and Communications Technology-related policy submissions, on both a domestic and international level, and discussions that ensure that their voices are heard and their opinions are considered by policymakers and industry leaders. Article 12 Group members work on submissions to ensure that policies and decisions that affect children are more child friendly, relevant, and relatable to children's daily lives.
8. MMA and the Article 12 Group have made various submissions to multilateral bodies on issues directly related to the subject of the Advisory Opinion Request, specifically regarding children's rights, including digital rights, climate justice, and States' obligations in the context of the climate crisis.<sup>4</sup>
9. Given the expertise that MMA has in topics related to States' responsibilities in the context of the climate crisis, and the specific experience and insights that it can provide to this Honourable Court on States' responsibilities towards children, it is well and uniquely placed to make the below submissions.
10. Further, MMA's submissions will be helpful to this Honourable Court as they will enable direct contributions from children. To this end, the Article 12 Working Group

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<sup>3</sup> For more on the Web Rangers, see [here](#).

<sup>4</sup> See MMA's application to be admitted as *amicus curiae* at para 8.

has prepared their own submissions, attached hereto as annexure “A”, to provide the Court with children’s direct recommendations concerning States’ obligations in the context of the climate crisis and climate disinformation.

## **ARGUMENTS**

### **The disproportionate effect of the climate crisis and climate disinformation on African children**

11. Africa faces some of the most severe consequences of climate change and yet generally has the least capacity to adapt.<sup>5</sup> As has been detailed in the request to the Court for this Advisory Opinion,<sup>6</sup> many African countries are susceptible to floods, droughts, and other climate-related disasters, which directly implicate a host of fundamental human rights including the right to life, health, and the right to a satisfactory environment conducive to development.<sup>7</sup>
12. Importantly, the harms associated with the climate crisis have a disproportionate impact on children who, in turn, have their rights to education, protection and family and social welfare disproportionately impacted.<sup>8</sup> The African Committee of Experts on the Rights and Welfare of the Child has observed that of the 33 countries that the United Nations Children’s Fund classifies as extremely high risk for children in the context of climate change, 25 are in Africa.<sup>9</sup>
13. The harms wrought by the climate crisis on the rights of African children are deepened by climate disinformation. In 2022, the Intergovernmental Panel on

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<sup>5</sup> Department of Forestry, Fisheries and the Environment, “National Climate Change Response White Paper”. (Accessible [here](#)) at page 8.

<sup>6</sup> Pan African Lawyers Union “Request for an advisory opinion on the human rights obligations of African states in addressing the climate crisis” (2025). (Accessible [here](#)) at para 14.

<sup>7</sup> Articles 21, 22, and 24 of the African Charter on Human and Peoples’ Rights, 27 June 1981.

<sup>8</sup> Id at Articles 17, 18(1), and 18(3).

<sup>9</sup> African Committee of Experts on the Rights and Welfare of the Child “Statement of the African Committee of Experts on the Rights and Welfare of the Child on the occasion of Africa Environment and Wangari Maathai Day” (2025). (Accessible [here](#).)

Climate Change identified climate disinformation as the deliberate undermining of science that contributes to misconceptions of scientific consensus, uncertainty, disregarded risk and urgency, and dissent.<sup>10</sup> The proliferation of climate disinformation is not merely a public information problem; it is a human rights violation. Disinformation directly undermines the rights to access information, freedom of expression, meaningful participation and, as is set out below, consequently the right to a satisfactory environment conducive to development.

14. The impact of climate disinformation is more acutely felt by children, as their developing cognitive and emotional capacities affect their ability to critically engage with information. Exposure to climate disinformation undermines children’s abilities to make informed decisions about their lives, their communities, and their futures, and to participate in climate adaptation and mitigation efforts that will determine those futures.<sup>11</sup>
15. Climate disinformation may take various forms, with each presenting distinct but related threats:
  - 15.1. Climate denial: the deliberate denial of the climate crisis, including the promotion of narratives that describe climate change as a solely natural phenomenon. While outright denial arguments have largely lost credibility in mainstream public discourse, they persist in the form of misleading arguments that exaggerate natural climate variability or misrepresent climate data.<sup>12</sup>

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<sup>10</sup> Intergovernmental Panel on Climate Change “Climate change 2022: Impacts, adaptation, and vulnerability” (2022). (Accessible [here](#) ) at page 1939.

<sup>11</sup> Khumalo et al “Building Learner Resilience to Climate Change Disinformation Through Media and Information Literacy: A South African Case Study” *Media Monitoring Africa* (2025). (Accessible [here](#)) at page 3.

<sup>12</sup> United Nations Development Programme “What are climate misinformation and disinformation and how can we tackle them?” (2025). (Accessible [here](#).)

- 15.2. Climate delay: actors acknowledge climate change but obstruct action, often citing the cost implications and potential job losses of mitigation and adaptation measures as mechanisms to delay any action against climate change.<sup>13</sup>
- 15.3. Greenwashing: actors exaggerate or falsely claim the environmental benefits of their operations in order to avoid accountability and prevent stronger regulation;<sup>14</sup> and
- 15.4. Climate conspiracy narratives: where conspiracy theories that attempt to delegitimise climate science, policies, and activists are weaponised to advance false claims and ultimately prevent climate action.<sup>15</sup>
16. In a 2022 article on the dangers of climate disinformation in South Africa, the United Nations Department of Global Communications (“DGC”) described this landscape by highlighting that:
- “Time is slipping away from us. There is no doubt the world must act now to avoid catastrophic ecological collapse. But climate action is being undermined by bad actors seeking to deflect, distract, and deny efforts to save the planet. Disinformation, spread via social media, is their weapon of choice.”<sup>16</sup>
17. The DGC further warned that such actors have turned to increasingly sophisticated tactics, including the deployment of bots on social media that generate and amplify

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<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Flemings, Under Secretary-General, Department of Global Communications (DGC) “Rampant climate disinformation online is distorting dangers, delaying climate action” (2022). (Accessible [here](#).)

false content that is then shared by users who are unaware that they are spreading disinformation.<sup>17</sup>

18. In sum, climate disinformation, in each of the forms identified above, engages the rights of children under the African Charter and the African Children's Charter. States' obligations under these instruments require specific positive measures to prevent, mitigate, and remedy the harms that climate disinformation produces.

### **The legal framework**

19. This submission addresses the legal consequences, under the African Charter and the African Children's Charter, of climate disinformation as it affects children and States' corresponding obligations. In construing these instruments, this Honourable Court is both empowered to apply, and directed to draw interpretative inspiration from, the wider body of international human rights law.
20. Article 7 of the Protocol to the African Charter on Human and People's Rights on the Establishment of the African Court on Human and People's Rights ("the African Court Protocol") provides that "the Court shall apply the provisions of the Charter and any other relevant human rights instruments ratified by the States concerned".<sup>18</sup> Article 60 of the African Charter provides that the Court shall draw inspiration from international human rights law, and Article 61 states that other international conventions, customary international law, general principles of law, and doctrine shall be taken into account as a subsidiary means of determining the applicable principles of law. This Honourable Court is therefore directed to read the African Charter and the African Children's Charter in light of other relevant human rights international law instruments as persuasive authority.

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<sup>17</sup> Id.

<sup>18</sup> Article 7 of the Protocol to the African Charter on Human and People's Rights on the Establishment of the African Court on Human and People's Rights.

### *The substantive right to a general satisfactory environment*

21. Article 24 of the African Charter provides that all people shall have the right to a general satisfactory environment favourable to their development.<sup>19</sup> This right is held by every person in Africa, including every child. The African Commission on Human and Peoples' Rights ("the African Commission"), in *Social and Economic Rights Action Center and Centre for Economic and Social Rights v Nigeria* ("SERAC"), held that Article 24 imposes positive obligations on State Parties, including obligations of prevention, regulation, and monitoring, and that compliance with the right cannot be reduced to non-interference.<sup>20</sup>
22. This point was affirmed by this Honourable Court in *Ligue Ivoirienne Des Droits De L'homme (LIDHO) and Others v Republic of Côte d'Ivoire*, where the Court held that States are required to take proactive measures to ensure that Article 24 is respected, protected, promoted and implemented:

"The Court further recalls that international human rights law imposes a fourfold obligation on States, being, to respect, protect, promote and implement the rights guaranteed by the conventions to which they subscribe. While the obligation to respect requires the State party to refrain from committing violations, **the obligation to protect requires the State party to protect rights-holders from violation by third parties. The obligations to promote and implement require the State to take the necessary measures to ensure the effective dissemination and enjoyment of the rights concerned.**"<sup>21</sup> (Own emphasis added).

23. Although the African Children's Charter does not contain a free-standing environmental right, the substantive protection of Article 24 of the African Charter is

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<sup>19</sup>Article 24 of the African Charter.

<sup>20</sup> *The Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights v Nigeria*, Decision, Comm. 155/96/2001 at paras 52-53.

<sup>21</sup> *Ligue Ivoirienne Des Droits De L'homme (LIDHO) and Others v Republic of Côte D'Ivoire*, Application No. 041/2016 at para 131.

integral to several of its provisions when applied to children. The best interests principle in Article 4(1) of the African Children’s Charter requires that children’s best interests be the primary consideration in all actions concerning the child. This includes State action or inaction on climate change-related matters, as they directly affect children. The right to survival and development in Article 5(2) imposes a positive obligation on States to ensure, to the maximum extent possible, the survival, protection, and development of the child. This is unintelligible if the environmental conditions on which survival and development depend are not in themselves protected. Further, the right to the best attainable state of health as provided for in Article 14, which expressly contemplates measures to reduce infant and child mortality rates; to ensure the provision of adequate nutrition and safe drinking water; and to combat disease and malnutrition in Article 14(2), is directly affected by climate change-related harms.

24. The African Commission has expressly applied Article 24 of the African Charter to climate change. Resolution 342 on Climate Change and Human Rights in Africa recognised the rights-based dimension of the climate crisis on the continent.<sup>22</sup> More recently, Resolution 657 on Access to Information and the Right to a Healthy Environment reaffirmed the fundamental rights to access to information and freedom of expression under the African Charter, together with the right to a general satisfactory environment under Article 24, as integrally linked in the climate crisis context.<sup>23</sup>
25. The same substantive position has been confirmed by several other multilateral bodies outside of the African continent, and is to be considered as persuasive authority in terms of Articles 60 and 61 of the African Charter. The United Nations Committee on the Rights of the Child (“CRC”) has held, under General Comment No.26 on Children’s Rights and the Environment with a Special Focus on Climate

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<sup>22</sup> African Commission “Resolution on Climate Change and Human Rights in Africa - ACHPR/Res.342(LVIII) 2016” (2016). (Accessible [here](#).)

<sup>23</sup> African Commission “Resolution on Access to Information and the Rights to a Healthy Environment-ACHPR/Res.657(LXXXVI) 2026” (2026). (Accessible [here](#).)

Change (“GC No.26”), that children enjoy a right to a clean, healthy, and sustainable environment under the Convention on the Rights of the Child.<sup>24</sup> In its Advisory Opinion of 2025 on Obligations of States in Respect of Climate Change, the International Court of Justice (“ICJ Advisory Opinion”) held that the protection of the environment is a precondition for, and inherent to, the enjoyment of human rights.<sup>25</sup> Further, the ICJ found that climate change may significantly impair the enjoyment of a wide range of human rights and particularly that of children.<sup>26</sup> The Inter-American Court of Human Rights, in its Advisory Opinion on the Climate Emergency and Human Rights (“IACtHR Advisory Opinion”), similarly framed the climate crisis as a human rights issue, recognised a right to a healthy climate, and set out the substantive and procedural obligations that flow from it.<sup>27</sup>

### *Children as distinct rights holders*

26. The climate crisis is not a future threat to children; it is a present and ongoing violation of their rights. As detailed above, children are among the most acutely affected by climate related harms and among the least empowered to respond. Their unique vulnerability, combined with the intergenerational dimension of climate change, requires this Honourable Court to recognise children as distinct and active rights holders – not merely as passive beneficiaries of State protections.
  
27. The intergenerational dimension of climate justice is captured in Principle 3 of the Rio Declaration on Environment and Development, which affirms that “the right to

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<sup>24</sup> Committee on the Rights of the Child “CRC/C/GC/26: General comment No.26 (2023) on children’s rights and the environment with a special focus on climate change” (2023) (Accessible [here](#)) at para 8.

<sup>25</sup> International Court of Justice “Obligations of States in respect of Climate Change” (2025). (Accessible [here](#)) at para 393.

<sup>26</sup> *Id* at para 382.

<sup>27</sup> Inter-American Court of Human Rights, “The Climate Emergency and Human Rights Advisory Opinion AO-32/25 of May 29, 2025” (2025). (Accessible [here](#).) at paras 218 and 300-304.

development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”.<sup>28</sup>

28. The African Children's Charter and the United Nations Convention on the Rights of the Child recognise both the right and the significance of children participating in decisions that affect them as active and autonomous decision makers. Article 4(2) of the African Children's Charter provides that:

“in all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law”.

29. Article 7 of the same Charter reinforces this guarantee for the child's expression of opinions “in all matters”. Article 12 of the United Nations Convention on the Rights of the Child reiterates this position.<sup>29</sup>

#### *The procedural content of the substantive right*

30. Article 24 of the African Charter has procedural content. Access to information, freedom of expression, and participation in decisions affecting one's environment are constitutive elements of the substantive right itself. In *SERAC*, the African Commission held that compliance with Article 24 requires, among other measures, independent scientific monitoring of threatened environments, the requiring and publishing of environmental and social impact studies prior to major industrial development, the provision of information to communities exposed to hazardous activities, and meaningful opportunities for affected individuals to be heard and to

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<sup>28</sup> Rio Declaration on Environment and Development, 1992 (1992). (“Accessible [here](#)) at Principle 3.

<sup>29</sup> Article 12 of the United Nations Convention on the Rights of the Child, 1989 (“Convention of the Rights of the Child”).

participate in development decisions that affect them.<sup>30</sup> The procedural obligations identified by the African Commission are identified not as collateral guarantees, but as components of compliance with Article 24 itself.

31. The African Convention on the Conservation of Nature and Natural Resources (“Maputo Convention”) reinforces this position in treaty form. Articles 16 and 17 of the Maputo Convention oblige States to ensure the timely and appropriate dissemination of environmental information, and to ensure that the public has access to such information.<sup>31</sup> Similarly, the African Commission, in its Resolution on Access to Information and the Right to a Healthy Environment, has affirmed that accurate, accessible, and proactive climate information is key to realising Article 24 of the African Charter.<sup>32</sup>

32. The procedural content of the right has also been recognised at the international level. Principle 10 of the Rio Declaration provides that:

“[e]nvironmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available.”<sup>33</sup>

33. The CRC confirmed in GC No.26 that the right to a clean, healthy, and sustainable environment under the Convention on the Rights of the Child has procedural as well as substantive elements, and that the procedural elements include access to environmental information, the right to be heard in environmental matters, and

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<sup>30</sup> Id above at n 20 at para 53.

<sup>31</sup> Articles 16 and 17 of the African Convention on the Conservation of Nature and Natural Resources, 2003.

<sup>32</sup> Id above at n 23.

<sup>33</sup> Id above at n 28 at Principle 10.

access to justice.<sup>34</sup> In the IACTHR Advisory Opinion, the Court set out access to information, public participation, and the protection of environmental defenders as procedural obligations integral to the right to a healthy climate.<sup>35</sup> Article 6 of the United Nations Framework Convention on Climate Change (“UNFCCC”) and Article 12 of the Paris Agreement impose corresponding treaty obligations to promote access to climate information and public participation in climate action.<sup>36</sup>

*The three procedural rights as they apply to children*

34. Article 9(1) of the African Charter provides that every individual shall have the right to receive information. The African Commission’s Declaration of Principles on Freedom of Expression and Access to Information in Africa (“the Freedom of Expression Principles”) develops the content of this right, including by requiring proactive disclosure of information held by public bodies and the regulation of access to information held by private bodies where it bears on human rights.<sup>37</sup>

35. As has been set out above, States’ obligations under Article 9(1) when read with Article 24 of the African Charter require the proactive, timely, accurate, and accessible disclosure of environmental and climate information. Article 17 of the Convention on the Rights of the Child requires States to ensure that children:

“[have] access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual, and moral well-being and physical and mental health”.

36. To this end, the Convention sets out five specific State obligations. Namely, States shall:

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<sup>34</sup> Id above at n 24 at paras 26-27 and 92-98.

<sup>35</sup> Id above at n 27 at paras 488-539 and 561-587.

<sup>36</sup> Article 6 of the United Nations Framework Convention on Climate Change; Article 12 of the Paris Agreement.

<sup>37</sup> Principle 29 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa, 2019 (“Freedom of Expression Principles”).

“(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18”.<sup>38</sup>

37. Article 13 of the same Convention protects the child's right to "seek, receive, and impart information and ideas of all kinds". When read in the context of the climate crisis and States' obligations in terms of Article 24 of the African Charter, these provisions oblige States to ensure the production and dissemination of accurate, child-accessible climate information from a plurality of sources; to ensure that the information environment is accessible to all children, including those most exposed to the climate crisis; and to protect children from injurious climate information, and in particular from climate disinformation.

38. This sentiment is echoed in GC No. 26, where the CRC advised that States must provide children with environmental information that is comprehensible and age-appropriate, and that this duty extends specifically to climate information.<sup>39</sup> As has been set out above, the African Children's Charter supports the same conclusion through Articles 4(1), 5, and 14.

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<sup>38</sup> Id above at n 29 at Article 17(a) – (e).

<sup>39</sup> Id above at n 24 at para 53.

39. Article 9(2) of the African Charter provides that every individual shall have the right to express and disseminate their opinions within the law. Climate information is paradigmatically information of public interest, and reporting on climate harm, scientific assessment of mitigation and adaptation measures, and public criticism of State climate policy lie at the core of Article 9(2) within the climate crisis context. Such reporting is further crucial for the full realisation of the public's right to access to information as set out above. Conversely, the full realisation of the right to access to information is necessary for the full realisation of the right to freedom of expression.
40. Article 7 of the African Children's Charter provides that "[e]very child who is capable of communicating his or her own views shall be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions as are prescribed by laws". Article 13 of the Convention on the Rights of the Child provides a parallel guarantee, expressly framing the freedom as the right "to seek, receive and impart information and ideas of all kinds". The right to freedom of expression is not meaningfully realised unless the climate information on which a child forms and expresses an opinion is in itself accurate and reliable.
41. The opinions that Article 7 of the African Children's Charter and Article 13 of the Convention on the Rights of the Child protect, and that States are obliged to allow children to form, express, and disseminate, must be opinions grounded in reliable, accurate, and up-to-date information.
42. Article 13(1) of the African Charter provides that "[e]very citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law". The African Children's Charter and the Convention on the Rights of the Child give Article 13(1) a child-specific content. Article 4(2) of the African Children's Charter, set out above, requires the views of a child capable of communicating them to be heard in any

judicial or administrative proceedings affecting the child. Article 7 of the same instrument reinforces this for the child's expression of opinions in all matters.

43. Article 12 of the Convention on the Rights of the Child reiterates this position. The CRC held in GC No. 26 that the right to be heard is engaged in all matters affecting children, including environmental and climate decision-making, and that States must design participatory processes that are accessible to children.<sup>40</sup> Similarly to the above, children's right to participate in decisions which affect them is dependent on having access to information that is accurate so that their participation is reflective of their informed views.
44. Climate disinformation, in each of the forms identified above, corrupts the information ecosystem on which children's opinions are formed, and accordingly degrades the substance of their rights to information, freedom of expression, and participation. States' obligations under the African Charter and the African Children's Charter, accordingly, extend beyond non-interference and include the positive duty to ensure that children have access to accurate, timely, and age-appropriate climate information against which their opinions can be formed and expressed. This, in turn, will ensure that their right to a suitable environment in terms of Article 24 of the African Charter is fully upheld.

### **States' obligation in terms of the legal framework**

45. Given the above legal framework, and the severe implications of climate disinformation on children, States have specific obligations in terms of the African Charter and the African Children's Charter in the context of the climate crisis. In order for States to effectively fulfil these obligations, it is submitted that States should:

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<sup>40</sup> Id at paras 8, 16 and 26.

- 45.1. Generate, maintain, and proactively disseminate accurate and up to date climate information that conforms to the best available science, in formats and languages accessible to children and their communities;
  - 45.2. Refrain from disseminating climate denial, climate delay, greenwashing, or climate conspiracy narratives, and acting on information inconsistent with the best available science;
  - 45.3. Regulate the conduct of non-State actors, including private corporations and platform operators, in accordance with rights based principles and global best practice, whose dissemination of climate disinformation interferes with the rights of children under the African Charter and the African Children's Charter;
  - 45.4. Ensure that participation by children in climate decision-making is substantive, informed, and age-appropriate, and is not corrupted by exposure to climate disinformation that distorts the basis on which children form and express their views; and
  - 45.5. Adopt positive measures to equip children with the digital literacy and media and information literacy skills necessary to recognise and resist climate disinformation.
46. As indicated above, the Article 12 Group have provided this Honourable Court with their perspectives on States' obligations within this context.<sup>41</sup> Amongst others, the Article 12 Group additionally submits that States must work alongside social media companies to ensure that credible climate information is prioritised on their platforms.<sup>42</sup> Further, States must develop child friendly educational resources so

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<sup>41</sup> See the Article 12 Policy Working Group Contributions, attached hereto as annexure "A".

<sup>42</sup> Id at para 6.

that climate information is accessible for all.<sup>43</sup> To ensure that all children are included, education resources suitable for children with disabilities must be developed so that the rights of every African child are protected.<sup>44</sup>

### *Digital literacy and Media and Information Literacy education*

47. In order to fulfil the above obligations, and therefore uphold children’s rights, States must provide both school-going and non-school-going children with meaningful digital literacy and Media and Information Literacy (“MIL”) education, given that digital platforms are a primary source of information for the majority of young people across Africa.
48. MIL was first introduced by UNESCO as an umbrella term characterised by the interrelatedness of competencies that relate to information and communication broadly, and media in particular. One of the most fundamental elements of MIL is its ability to train individuals to “detect and combat inaccurate news”.<sup>45</sup> Research has found that individuals who have enhanced literacy skills (encompassing media, information, news, and digital literacies) have a greater ability to recognise mis- and disinformation.
49. While MIL is not child-specific in its origin, its application to children is critical to the development of children’s resilience to all forms of information, including climate disinformation. Principle 37(5) of the Principles on Freedom of Expression mandates States to adopt laws, policies, or other measures to equip children with digital literacy skills through online engagement.<sup>46</sup> General Comment No. 25 of the Committee on the Rights of the Child on Children’s Rights in Relation to the Digital

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<sup>43</sup> Id at para 8 and 9.

<sup>44</sup> Id at para 11.

<sup>45</sup> Khumalo et al above n 11 at page 4.

<sup>46</sup> Id above at n 37 at Principle 37(5).

Environment addresses children’s rights in relation to the digital environment.<sup>47</sup> Read together with GC No. 26 as set out above, these General Comments require States to protect children against online harms, including disinformation, and to equip children to understand the effects of climate change related decisions on their rights. MIL and digital literacy provide States with concrete mechanisms to achieve these obligations.

## **CONCLUSION**

50. The climate crisis is a defining challenge of this generation, and it is children who will bear its most enduring consequences. The submissions advanced herein proceed from the foundational premise that children are not passive objects of State protection, but active rights holders whose voices, interests, and capacities must be central to any meaningful response to the climate crisis.
51. In light of the above, MMA respectfully prays that this Honourable Court consider the submissions advanced herein in formulating its Advisory Opinion, and in particular the submissions concerning States’ obligations to children as rights holders in the climate crisis, States’ obligations in respect of reliable climate information, and States’ obligations in respect of digital literacy and MIL education.

**MEDIA MONITORING AFRICA TRUST**

**9 June 2026**

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<sup>47</sup> UN Committee on the Rights of the Child “General comment No.25 (2021) on children’s rights in relation to the digital environment” (2021). (Accessible [here](#).)

**IN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS  
ARUSHA, UNITED REPUBLIC OF TANZANIA**

**APPLICATION NO.: 001/2025**

In the matter of:

**A REQUEST BY THE PAN AFRICAN LAWYERS UNION FOR AN ADVISORY  
OPINION ON THE OBLIGATIONS OF STATES WITH RESPECT TO THE CLIMATE  
CRISIS**

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**ANNEXURE A**

**Article 12 Policy Working Group Contributions to the African Court's Advisory  
Opinion on State Obligations and the Climate Crisis**

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**Inputs submitted by: Article 12 Policy Working Group**

Lungelo Ndlovu – Athlone Girls High School

Bohlokwa Mzamane – Kgothlang Secondary School

Oratilwe Mogotsi – McAuley House School

Molai Matsau – St Matthews Secondary School

Omphile Nyoni – St Matthews Secondary School

Naledi Majola – McAuley House School

**9 June 2026**

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## **INTRODUCTION**

1. The Web Rangers Programme was established in 2016 by MMA, and is aimed at promoting online safety, enhancing digital literacy skills, and empowering young people to critically engage with content and identity disinformation. The Article 12 Policy Working Group (“the Article 12”), an initiative within the Web Rangers, is comprised of Web Ranger ambassadors who have been trained in digital literacy and have a special interest in policy work. All Article 12 Group members are children, ranging in age from 13 to 17 years old.
2. This submission was developed by the working with the Article 12 Group. The aim of this submission is to provide this Honourable Court with direct contributions on States obligations in upholding their rights from children themselves, who are most susceptible to the harms associated with the climate crisis and climate disinformation.

## **INPUT ON THE CLIMATE CRISIS**

3. As most African states have limited or no climate disaster management plans, climate disasters leave school-going children stranded and unprepared to deal with its effects on schooling.
4. Children have the right to accurate and reliable climate information. Articles 9 and 17 of the ACHPR<sup>1</sup> guarantees this right and African states must therefore:
  - 4.1. Build climate-resilient infrastructure (including stormwater drains and weather-resistant school structures) to prevent disruptions to children’s education.
  - 4.2. Partner with telecommunications providers to zero-rate credible climate information websites, and work with civil society and businesses to

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<sup>1</sup> African Charter on Human and Peoples Rights, 27 June 1981.

counter to debunk myths, harmful practices, and false narratives circulating on social media related to climate disasters.

- 4.3. Develop and distribute educational materials on climate disasters and resources that will help reduce its impact in communities. These resources must be made available to children in their indigenous languages, so they are easy to understand and share with other community members who have limited literacy levels.
  - 4.4. Invest in information and communication technology (ICT) infrastructures that will enable free & easy access to the internet, connecting schools and communities to early warning systems and climate resources.
5. Additionally, States must disseminate climate information through traditional media to ensure children who live in rural and peri-urban areas also have access to critical climate information.

## **INPUT ON CLIMATE DISINFORMATION**

6. The Internet and social media have become the main source of information for many children across the continent. But due to algorithms and echo chambers and their impact on diversity of information online, most children do not see climate information when browsing online. States must partner with social media companies to ensure that credible climate information sources prioritise content with critical climate information so it ranks higher and appears regularly on children and users feeds or searches.
7. States must also work with credible and reliable institutions in academia, civil society, and the technology sector to moderate climate information online to ensure that it is verifiable and accurate using the resources available to them.
8. Article 17 of the African Charter guarantees children the right to education, however, climate change and climate disaster matters are often difficult for young minds to fully understand.

9. States must therefore develop innovative and child-friendly educational resources such as comic books, animated cartoons, posters and infographics which are easy and fun for children to learn with and understand. Where possible, these must be developed in indigenous languages to protect and promote traditional African values.
  
10. African children have unique cultural values and practices; climate information shared with African children must be mindful of these cultural differences and protect and promote them where they are safe, equitable and beneficial to all members of the community; especially for vulnerable groups such as children and women. As such, States must:
  - 10.1. School curriculums and educational resources in subjects where climate issues are central must be updated to reflect current developments.
  
  - 10.2. States must ensure digital literacy education be compulsory for all children in grades 4 – 9 across the African continent.
  
11. To ensure that all children are included; educational resources for children and people living with disabilities must also be developed to ensure that the rights and needs of every African child are taken into consideration.

## **ADDITIONAL RECOMMENDATIONS**

12. In order to protect and advance the rights articulated in Articles 1,3, 13, 18, and 24 of the African Charter, States must additionally host bi-annual or quarterly community engagements sessions with the elderly community members who are often those responsible for nurturing and developing children in African communities, this will ensure that all members of the community are included in climate education.
  
13. Tech companies must also be responsible in their use of the environment for research and development. Artificial Intelligence companies have been found to

be using excessive water and electricity resources which have a significant negative environmental impact on rural and vulnerable communities.<sup>2</sup>

14. Technology companies and other industries such as mining and agriculture which have a significant carbon footprint must be held accountable by state actors and fined heavily where their businesses are found to be significantly harming the environment – these resources must then be redistributed to affected communities to ensure that they are able to recover or access alternative and safe living conditions.

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<sup>2</sup> Mills “Re-Architecting the AI Server: The Hidden Water Cost of Data Centers (Part II)” *Harvard Science Review* (28 February 2026). (Accessible [here](#).)