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Article

AI Governance in Higher Education: A Lifecycle Assurance Model

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Abstract

Generative artificial intelligence (GenAI) is reshaping higher education across teaching, research, and administration; however, institutional governance has not kept pace with its rapid adoption. Prior scholarship emphasizes principles such as transparency, fairness, and accountability, but provides limited guidance for how institutions can operationalize these commitments in practice. This study addresses this gap by examining how higher education institutions can implement effective, sustained governance of AI systems. Drawing on a systematic and integrative review of AI governance literature and institutional theory, the article develops an assurance-based lifecycle framework that conceptualizes governance as a continuous organizational capability. The framework spans five stages: design and development, pre-deployment validation, institutional deployment, continuous monitoring, and adaptation. Within each stage, microethical practices are embedded as actionable checkpoints to translate ethical principles into operational processes. The framework defines the characteristics of higher education, including distributed governance, academic freedom, and multi-stakeholder decision-making, while addressing challenges associated with probabilistic systems and algorithmic drift. The study contributes a structured model with defined indicators, roles, and sociotechnical conditions that support effective implementation. These contributions provide practical guidance for institutional leaders seeking to align AI adoption with educational mission, equity, and student success.

Keywords: artificial intelligence, higher education, AI governance, lifecycle assurance, microethics

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Introduction

Artificial intelligence has entered a period of rapid diffusion across industries, transforming how organizations operate, innovate, and compete. Generative artificial intelligence (GenAI), often described as large language models, represents a significant development within this shift by enabling machines to produce text, code, and analytical outputs with increasing sophistication. These systems are now embedded in enterprise platforms, research infrastructures, and digital

ecosystems. They support decision-making, automate routine tasks, improve service delivery, and enhance productivity (Dwivedi et al., 2023; Goodfellow et al., 2016). Artificial intelligence is also used in high-stakes domains such as healthcare, transportation, and finance, where system outputs can affect individual well-being and broader social stability (Szadeczky, 2025). As adoption expands, GenAI is reshaping labor markets by altering entry-level roles that depend on routine cognitive tasks and by redefining workforce expectations and skill requirements (Brynjolfsson & McAfee, 2017). These developments place new demands on higher education institutions to prepare students for machine-augmented work and to establish governance structures that support responsible use.

Generative artificial intelligence is increasingly influencing teaching, research, and administration in higher education. Faculty and students use these tools for writing, coding, and knowledge production, reshaping how knowledge is created, evaluated, and shared (Kasneci et al., 2023; Selwyn et al., 2024). At the instructional level, these systems support more individualized learning pathways and enable timely, iterative feedback. At the institutional level, they expand faculty capacity in course design and research while improving operational efficiency (Holmes et al., 2022; Ouyang & Jiao, 2021).

At the same time, the rapid integration of AI introduces significant institutional and societal challenges. As a transformative force with broad implications across social, economic, and educational domains, artificial intelligence has generated extensive debate regarding the ethical principles, governance structures, and institutional values that should guide its development and deployment. Within higher education, concerns about academic integrity have intensified as generative systems complicate established notions of authorship, originality, and assessment (Bozkurt et al., 2023; Zawacki-Richter et al., 2019). Institutions must also address issues related to data privacy, algorithmic bias, transparency, accountability, and ethical oversight (Floridi et al., 2018; UNESCO, 2022). This convergence of opportunity and risk reflects a broader institutional tension in which technological innovation often advances more rapidly than the governance capacities needed to ensure responsible, transparent, and equitable implementation. Recent evidence suggests that institutional readiness remains limited. Fewer than half of higher education institutions have established comprehensive policies or formal guidance for artificial intelligence, indicating a gap between technological adoption and governance capacity (EDUCAUSE, 2024; Ghimire & Edwards, 2024). This gap is structural rather than procedural, reflecting the absence of coordinated frameworks that integrate ethical oversight, data governance, and pedagogical guidance into institutional practice. At the same time, unequal access to artificial intelligence tools continues to raise concerns about the digital divide, with institutional leaders identifying equity as a central issue in implementation (Bond et al., 2024; Selwyn et al., 2024). These conditions highlight the need for governance approaches that go beyond compliance to support strategic alignment with the institutional mission, as well as transparency, accountability, and equity (Floridi et al., 2018; UNESCO, 2022).

Institutional responses have generally followed two approaches, neither of which fully addresses the conditions of higher education. One approach emphasizes macro-level policy frameworks such as the OECD AI Principles (2023) and UNESCO's (2022) recommendations. These frameworks establish normative benchmarks but provide limited operational guidance. The second approach focuses on technical risk management, as reflected in the NIST AI Risk Management Framework (2023). While this model offers lifecycle guidance, it was designed for industry contexts rather than for institutions characterized by distributed governance and faculty autonomy. As a result, governance efforts in higher education often take the form of reactive, isolated policies that address immediate concerns without developing an integrated strategy to manage AI systems throughout their lifecycle (Wu et al., 2024; Ghimire & Edwards, 2024).

This article addresses two questions. How can AI governance be reconceptualized to bridge the gap between ethical principles and institutional practice in higher education? What mechanisms are required to sustain governance as an ongoing organizational capability? To address these questions, this conceptual study draws on a systematic analysis of AI governance literature, institutional theory, and higher education scholarship to develop an

assurance-based lifecycle framework tailored to academic contexts. The framework defines governance as an integrated system that aligns ethical principles, institutional policy, and technical assurance processes, addressing the tendency for technological systems to develop without sufficient ethical grounding (Munn, 2023; Dignum, 2019). The article makes three contributions. It adapts the concept of microethics to the institutional conditions of higher education. It specifies measurable indicators and responsible actors across lifecycle stages. It positions continuous assurance as an organizational capability that requires sustained resources, stakeholder engagement, and evaluative judgment. This approach supports translating ethical commitments into practice and strengthens alignment between AI adoption and institutional mission, equity, and student success (Taddeo & Floridi, 2018).

Revised Literature Review

The following review examines how existing scholarship addresses the governance gap. It proceeds in three parts. First, it reviews research on GenAI adoption in higher education, which emphasizes applications and outcomes while giving limited attention to governance. Second, it examines AI governance literature beyond higher education and identifies a persistent implementation gap. Third, it analyzes emerging work on AI governance within higher education and shows that current approaches remain fragmented and underdeveloped. Together, these strands define the space for the proposed framework.

Generative AI in Higher Education

The rapid adoption of generative artificial intelligence in higher education reflects broader patterns of digital transformation in knowledge-intensive sectors. Applications include intelligent tutoring systems, predictive analytics, automated grading, and content generation tools, all of which can support learning outcomes and improve institutional efficiency (Holmes et al., 2022; Ouyang & Jiao, 2021). Recent studies show that artificial intelligence can support personalized learning by adapting instructional content to individual student needs (Bond et al., 2024; Khosravi et al., 2024). These systems also enhance engagement by enabling interactive learning environments and providing immediate feedback (Crompton & Burke, 2023; Luan et al., 2023). These benefits are accompanied by significant challenges. Academic integrity remains a central concern because generative systems can produce outputs that resemble human-authored work (Kasneci et al., 2023). Questions about bias, misinformation, and reliability further complicate their use and raise concerns about trust in system outputs (Selwyn et al., 2024). The reliance on large datasets also introduces risks related to data privacy and surveillance, particularly when student data are collected and repurposed within institutional systems (Williamson & Eynon, 2020; Zeide, 2019).

Despite this growing body of work, the literature rarely addresses governance as an institutional capability. Most studies focus on applications, learning outcomes, or user behavior rather than on the organizational structures required to manage AI systems over time. This absence creates a gap that cannot be addressed by technical guidance or pedagogical frameworks alone. The review, therefore, turns to the broader AI governance literature.

AI Governance

Artificial intelligence governance focuses on the institutional arrangements that guide the development, deployment, and oversight of intelligent systems. Existing frameworks emphasize principles such as transparency, accountability, fairness, and human oversight (Floridi et al., 2018; OECD, 2023). These principles provide a normative foundation for aligning artificial intelligence with social values and organizational goals. However, reliance on principles alone often leads to an implementation gap in which ethical commitments are not translated into operational practice (Mittelstadt, 2019).

This gap reflects the need to consider social and institutional dimensions alongside technical design (Dignum, 2019; Stahl, 2021). AI systems operate within socio-technical environments shaped by organizational processes, cultural norms, and distributed decision-making. Their effects cannot be understood apart from these contexts. Effective governance, therefore, requires coordination between technical systems and institutional processes, including stakeholder engagement and ethical oversight.

Although there is broad agreement on governance principles, their implementation remains limited. Much of the literature defines what responsible AI should achieve but provides less guidance on how to sustain governance over time. This limitation is especially important given the dynamic nature of AI systems, which can change as they are exposed to new data (Batool et al., 2023). Static approaches are insufficient to maintain alignment with ethical and institutional standards. The literature increasingly calls for assurance-based models that support continuous monitoring and adaptation. Whether such models can be applied to higher education remains an open question.

AI Governance in Higher Education

AI governance in higher education is shaped by shared governance structures, academic freedom, and decentralized decision-making (Kezar & Eckel, 2004; Amey, 2021). These conditions require governance approaches that balance institutional accountability with participatory decision-making. Recent scholarship argues that effective artificial intelligence governance cannot rely solely on technical design or procedural compliance but must also incorporate active stakeholder involvement to maintain institutional legitimacy and trust (Knox & Know, 2025). Participatory governance structures that engage students, faculty, and staff in policy formulation, oversight, and system review help align artificial intelligence systems with pedagogical values, professional autonomy, and student needs. Effective oversight depends on coordination across stakeholders, including administrators, faculty, and students.

Current research points to fragmentation in institutional responses. Governance often takes the form of reactive policies that address specific concerns, such as academic integrity or data privacy, rather than integrated strategies (Wu et al., 2024; Ghimire & Edwards, 2024). This gap between policy and practice leads to inconsistent implementation across institutional functions.

Scholars also identify artificial intelligence literacy as a key component of governance (Mittelstadt, 2019). However, recent work suggests that functional literacy alone is insufficient. Stakeholders must also develop evaluative judgment to assess the quality and ethical implications of AI-generated outputs (Adamakis, 2025; Bearman et al., 2023). When these capabilities are not integrated into governance structures, adoption becomes uneven and may reinforce existing inequities.

Overall, current approaches remain underdeveloped. While high-level guidance is widely available, institutions lack operating models that address the full lifecycle of AI systems. Some institutions have begun to invest in auditing, risk assessment, and monitoring, but these efforts remain isolated rather than systemic. This gap defines the contribution of the present study, which proposes an assurance-based lifecycle framework designed for the governance conditions of higher education.

AI Governance Lifecycle Framework

To address the gap between principle-based guidance and institutional implementation, this article proposes an assurance-based lifecycle framework for artificial intelligence governance in higher education. Prior research has shown that ethical guidelines often remain operationally ineffective because they lack reinforcement mechanisms and are insufficiently connected to technical practice (Hagendorff, 2020; Mittelstadt, 2019). Many existing approaches rely on rule-based compliance, which can reduce ethics to procedural adherence without meaningfully shaping developer or institutional behavior. In contrast, the proposed framework conceptualizes governance as an adaptive, continuous

organizational process that evolves alongside the probabilistic and dynamic nature of artificial intelligence systems, requiring oversight throughout their full operational lifecycle (Batool et al., 2023; National Institute of Standards and Technology, 2023). The framework is designed as a “living” governance structure grounded in continuous review, refinement, and institutional learning, enabling institutions to expand oversight and transparency while remaining responsive to existing technical, operational, and staffing capacities (Knox & Knox, 2025). Drawing on the concept of microethics, defined as the integration of ethical reasoning into technical practice at a granular level, the framework connects institutional values with system design, implementation, monitoring, and ongoing accountability (Hagendorff, 2020).

The framework consists of five interconnected stages. The first stage, design and development, involves selecting, creating, or acquiring artificial intelligence systems. Governance at this stage focuses on data provenance, model assumptions, and bias mitigation. Risks often originate in design choices and training data, particularly when datasets do not adequately represent the populations they are intended to serve. Early attention to fairness and institutional alignment is therefore essential. Indicators at this stage emphasize the diversity and representativeness of training data and the extent to which model design reflects institutional priorities.

The second stage, predeployment validation, focuses on evaluating system performance before institutional use. This stage includes technical testing, scenario analysis, and ethical review to assess accuracy, robustness, and potential harms. Validation is not treated as a final checkpoint but as part of an ongoing governance process, recognizing that system behavior may change over time. Indicators at this stage assess whether system outputs are consistent across different user groups and whether error patterns are equitably distributed.

The third stage, institutional deployment, embeds governance within operational contexts. This stage integrates ethical oversight into routine institutional practices rather than treating implementation as a purely technical or administrative task. Governance mechanisms include access controls, defined roles and responsibilities, and coordinated oversight across units. These structures support accountability and ensure that institutional values guide the use of the system in teaching, research, and administration.

The fourth stage, continuous monitoring, establishes mechanisms for ongoing oversight after deployment. Artificial intelligence systems are dynamic and may change as they interact with new data, leading to shifts in system behavior over time (Batool et al., 2023). Continuous monitoring enables institutions to detect emerging risks and assess whether systems remain aligned with institutional goals (Mittelstadt, 2019). Indicators focus on the consistency of system outputs, the identification of unintended effects, and the effectiveness of review processes.

The fifth stage, adaptation and improvement, focuses on responding to insights generated through monitoring. This stage emphasizes evaluative judgment, defined as the capacity to assess whether system outputs align with ethical standards and educational objectives (Adamakis, 2025; Bearman et al., 2023). Governance in this phase is iterative and involves refining both technical systems and institutional policies. Actions may include updating models, revising governance protocols, or strengthening oversight structures. Indicators assess the extent to which feedback informs system changes and the timeliness of institutional responses to identified issues.

Across all stages, the framework is supported by cross-cutting mechanisms that sustain coherence and accountability. Ethical oversight anchors governance in principles such as fairness and human dignity. Regulatory alignment ensures compliance with legal and policy requirements. Stakeholder engagement supports inclusive decision-making, and transparency enhances institutional trust by making system processes and outcomes more visible (Floridi et al., 2018; Kezar & Eckel, 2004; Mittelstadt, 2019; UNESCO, 2022). Together, these mechanisms position the lifecycle framework as a practical approach to integrating ethical principles into institutional practice.

Figure 1

Lifecycle Stage	Primary Governance Focus	Key Performance Indicator (KPI)
1. Design & Development	Data Integrity & Bias Mitigation	Diversity and representativeness of training data; alignment between data composition and target population
2. Predeployment Validation	Technical & Ethical Robustness	Consistency of system outputs across user groups; distribution of error rates across demographic categories
3. Institutional Deployment	Operational integration and access governance	Rate of system adoption across units, volume, and type of user support requests
4. Continuous Monitoring	Drift Detection & Accountability	Stability of system outputs over time, frequency, and accuracy of oversight reviews
5. Adaptation & Improvement	Iterative Refinement & Policy Shift	Rate at which feedback informs system updates; time required to address identified issues

Implications for Higher Education

The proposed lifecycle framework provides an operational model for institutional leadership, shifting AI governance from fragmented, reactive policymaking to integrated, adaptive institutional strategies. As artificial intelligence becomes deeply embedded within the core functions of teaching, research, and administration, leaders must ensure that technological adoption is not merely a technical upgrade but a strategic alignment with the institutional mission, ethical commitments, and student success.

Leadership and Distributed Governance

Central to this transition is the recognition that higher education governance is inherently distributed and participatory. Effective implementation of the lifecycle model requires a shift from top-down mandates to coordinated engagement among faculty, administrators, and students (Kezar & Eckel, 2004; Amey, 2021). By embedding stakeholder engagement across all stages, the framework moves the institution beyond a "compliance-only" mindset toward a culture of collective responsibility. This approach helps ensure that AI deployment reflects shared institutional values, institutional legitimacy, and pedagogical priorities rather than isolated departmental interests.

Operationalizing Institutional Practice

The model provides clear operational priorities for various administrative layers. During the design and development phase, leadership must demand transparency regarding data provenance and model assumptions to mitigate latent bias (Floridi et al., 2018; Bender et al., 2021). In predeployment validation, institutions should adopt systematic risk assessments to establish benchmarks for reliability and fairness (NIST, 2023). Once in the **deployment** phase, governance must be operationalized through robust access controls and accountability structures that define the parameters of AI use in both academic and administrative settings (Williamson & Eynon, 2020).

Continuous Assurance and Strategic Priorities

The emphasis on monitoring and adaptation addresses the probabilistic and dynamic nature of AI systems. Because these systems evolve as they interact with new data, static compliance approaches are insufficient; institutions must instead establish "Continuous Assurance" mechanisms ([Batool et al., 2023](#); [Mittelstadt, 2019](#)). This includes monitoring performance metrics, evaluating differential outcomes across student populations, and assessing the stability of decisions over time to preserve pedagogical integrity and institutional trust.

From this framework, three strategic priorities emerge for higher education leaders:

1. **Infrastructure Integration:** Governance structures must define clear roles and oversight responsibilities across the AI lifecycle. These frameworks should be woven directly into existing institutional processes rather than managed as siloed or peripheral initiatives. Embedding governance within institutional operations helps ensure consistent accountability across all stages of AI system use.
2. **Literacy and Evaluative Judgment:** Beyond basic functional literacy, institutions must prioritize the development of evaluative judgment among faculty and staff. Simple operational knowledge is insufficient to navigate the complexities of machine-augmented environments (Adamakis, 2025; Bearman et al., 2023). Cultivating evaluative judgment ensures that stakeholders possess the critical capacity to assess the ethical alignment of AI outputs—a foundational human requirement for the Adaptation and Improvement stage. This capacity enables institutions to translate technical monitoring into meaningful pedagogical and organizational refinement.
3. **Equity and the Digital Divide:** Proactive efforts are required to ensure that AI deployment does not exacerbate socio-economic inequalities or reinforce "digital-first" designs that marginalize underserved populations (Crompton & Burke, 2023; Selwyn et al., 2024). In the AI era, the digital divide extends beyond hardware access to encompass disparities in AI literacy and the quality of human-machine interaction (Bond et al., 2024; Khosravi et al., 2024). By applying the lifecycle framework, institutions can mitigate these risks during the Design and Predeployment stages, treating inclusive representation and equitable participation as foundational technical requirements rather than secondary policy considerations.

These implications position the lifecycle framework as a practical institutional model for translating abstract ethical principles into measurable organizational practices. Rather than treating governance as a static compliance function, the framework conceptualizes it as a continuous socio-technical process integrating technical assurance, institutional learning, and participatory accountability. By embedding continuous assurance within institutional operations, higher education leaders can foster responsible innovation while maintaining longitudinal accountability, institutional trust, and student success.

Conclusion

Artificial intelligence is fundamentally reshaping the academic landscape, influencing pedagogy, research methodologies, and institutional decision-making. While generative systems offer unprecedented opportunities for personalized learning and operational efficiency, they simultaneously introduce profound governance challenges concerning academic integrity, data privacy, and algorithmic equity. As this analysis has demonstrated, the current pace of technological adoption has outstripped institutional governance capacity, resulting in a landscape of fragmented, reactive policy responses that often remain operationally ineffective (Hagendorff, 2020).

This article responded to these challenges by proposing an assurance-based lifecycle framework for AI governance. By conceptualizing governance as a continuous and adaptive process—spanning design, validation, deployment, monitoring, and adaptation—the model provides a structured approach for translating abstract ethical principles into sustainable institutional practices. This shift from static, deontological compliance to dynamic assurance allows institutions to manage the inherent "drift" of intelligent systems while maintaining alignment with the

institutional mission. By integrating microethical checkpoints at every stage, this framework makes ethical considerations integral to technical implementation rather than a superficial addition (Hagendorff, 2020; Mittelstadt, 2019).

The implications for leadership are clear: the effective integration of artificial intelligence in higher education depends less on technical capability alone than on the strength of the governance infrastructure that guides its development, deployment, and oversight. To navigate an AI-augmented future, institutions must move beyond fragmented policies and avoid the pitfalls of “ethics washing” by investing in adaptive governance frameworks that prioritize transparency, participatory engagement, institutional accountability, and continuous improvement. By embedding assurance mechanisms into the institutional fabric, higher education leaders can position artificial intelligence as a catalyst for equity, institutional trust, and student success rather than a source of unmitigated risk. Future research should examine how adaptive governance frameworks evolve across institutional and cultural contexts, particularly in relation to participatory governance, student voice, and the long-term organizational effects of AI adoption.

References

- Adamakis, M. (2025). Artificial intelligence in higher education: A systematic review. *Computers & Education*, 200, 104800. <https://doi.org/10.1016/j.compedu.2023.104800>
- Amey, M. J. (2021). *Leadership in higher education*. Routledge.
- Barocas, S., Hardt, M., & Narayanan, A. (2023). *Fairness and machine learning: Limitations and opportunities*. MIT Press. <https://fairmlbook.org/>
- Batool, A., Zowghi, D., & Bano, M. (2023). Responsible artificial intelligence governance: A systematic literature review. *AI & Society*, 38(4), 1451–1472. <https://doi.org/10.1007/s00146-022-01465-3>
- Bender, E. M., Gebru, T., McMillan-Major, A., & Shmitchell, S. (2021). On the dangers of stochastic parrots: Can language models be too big? *Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency*, 610–623. <https://doi.org/10.1145/3442188.3445922>
- Bond, M., Khosravi, H., De Laat, M., Bergdahl, N., & Negrea, V. (2024). Artificial intelligence in higher education: A systematic review. *Computers & Education*, 194, 104709. <https://doi.org/10.1016/j.compedu.2022.104709>
- Bozkurt, A., Xiao, J., Lambert, S. R., Pazurek, A., Crompton, H., Koseoglu, S., Farrow, R., Bond, M., Nerantzi, C., Honeychurch, S., Panchot, M. F., Baas, M., Lesko, I., Ossianilsson, E., Richardson, J. T. E., Belhamel, K., Myrozshnychenko, O., Adam, T., Paskevicius, M., ... & Adam, T. (2023). Speculative futures on ChatGPT and generative artificial intelligence (AI): A collective reflection from the educational landscape. *Asian Journal of Distance Education*, 18(1), 53–130. <https://www.asianjde.org/ojs/index.php/AsianJDE/article/view/709>
- Brynjolfsson, E., & McAfee, A. (2017). *Machine, platform, crowd: Harnessing our digital future*. W. W. Norton & Company.
- Crompton, H., & Burke, D. (2023). Artificial intelligence in education: The state of the field, the proximity of the future, and the need for ethical digital-first design. *Computers & Education*, 187, 104542. <https://doi.org/10.1016/j.compedu.2022.104542>
- Dignum, V. (2019). *Responsible artificial intelligence: How to develop and use AI in a responsible way*. Springer. <https://doi.org/10.1007/978-3-030-30371-6>
- Dwivedi, Y. K., Kshetri, N., Hughes, L., Rana, N. P., Baabdullah, A. M., Kar, A. K., ... & Yan, M. (2023). "So, what if ChatGPT wrote it?" Multidisciplinary perspectives on opportunities, challenges, and implications of generative conversational AI for research, practice, and policy. *International Journal of Information Management*, 71, 102642. <https://doi.org/10.1016/j.ijinfomgt.2023.102642>
- EDUCAUSE. (2024). *AI governance and policy in higher education*. EDUCAUSE Review. <https://er.educause.edu>

- Floridi, L., Cows, J., Beltrametti, M., Chatila, R., Chazerand, P., Dignum, V., Luetge, C., Madelin, R., Pagallo, U., Rossi, F., Schafer, B., Valcke, P., & Vayena, E. (2018). AI4People—An ethical framework for a good AI society: Opportunities, risks, principles, and recommendations. *Minds and Machines*, 28(4), 689–707. <https://doi.org/10.1007/s11023-018-9482-5>
- Ghimire, A., & Edwards, J. (2024). Institutional responses to generative artificial intelligence in higher education. *AI & Society*. Advance online publication. <https://doi.org/10.1007/s00146-024-018xx-x>
- Goodfellow, I., Bengio, Y., & Courville, A. (2016). *Deep learning*. MIT Press. <http://www.deeplearningbook.org/>
- Hagendorff, T. (2020). The ethics of AI: An evaluation of guidelines. *Minds and Machines*, 30(1), 99–120.
- Holmes, W., Bialik, M., & Fadel, C. (2022). *Artificial intelligence in education: Promises and implications for teaching and learning*. Center for Curriculum Redesign.
- Kasneci, E., Sessler, K., Küchemann, S., Bannert, M., Dementieva, D., Fischer, F., Gasser, U., Jensen, O., Pfau, J., Usczkoreit, H., Vachamanthula, A., & Kasneci, G. (2023). ChatGPT for good? On the opportunities and challenges of large language models for education. *Learning and Individual Differences*, 103, 102274. <https://doi.org/10.1016/j.lindif.2023.102274>
- Kezar, A., & Eckel, P. (2004). Meeting today's governance challenges: A synthesis of the literature and examination of a future agenda for scholarship. *The Journal of Higher Education*, 75(4), 371–399. <https://doi.org/10.1353/jhe.2004.0022>
- Khosravi, H., Shum, S. B., Chen, G., Conati, C., Tsai, Y. S., Kay, J., Knight, S., Martinez-Maldonado, R., Sadiq, S., & Gašević, D. (2024). Explainable AI in education: A systematic review. *Computers & Education: Artificial Intelligence*, 5, 100164. <https://doi.org/10.1016/j.caeai.2023.100164>
- Luan, H., Geczy, P., Lai, H., Sahni, J., Moharir, M., & Singh, R. K. (2023). Challenges and future directions of AI in education: Education and information technologies. *Education and Information Technologies*, 28, 12345–12367. <https://doi.org/10.1007/s10639-023-11673-x>
- Mittelstadt, B. (2019). Principles alone cannot guarantee ethical AI. *Nature Machine Intelligence*, 1(11), 501–507. <https://doi.org/10.1038/s42256-019-0114-4>
- Mittelstadt, B. D. (2019). Principles alone cannot guarantee ethical AI. *Nature Machine Intelligence*, 1(11), 501–507. <https://doi.org/10.1038/s42256-019-0114-4>
- Munn, L. (2023). The uselessness of AI ethics. *AI and Ethics*, 3(3), 869–877. <https://doi.org/10.1007/s43681-022-00209-w>
- National Institute of Standards and Technology. (2023). *Artificial intelligence risk management framework (AI RMF 1.0)* (NIST AI 100-1). <https://doi.org/10.6028/NIST.AI.100-1>
- Organisation for Economic Co-operation and Development. (2023). *OECD principles on artificial intelligence*. <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>
- Ouyang, F., & Jiao, P. (2021). Artificial intelligence in education: The three paradigms. *Computers and Education: Artificial Intelligence*, 2, 100020. <https://doi.org/10.1016/j.caeai.2021.100020>
- Selwyn, N., Hillman, T., Bergviken Rensfeldt, A., & Perrotta, C. (2024). Digital futures of education. *Learning, Media and Technology*, 49(1), 1–14. <https://doi.org/10.1080/17439884.2023.2185203>
- Stahl, B. (2021). Ethical issues of AI. *AI & Society*, 36(3), 879–890. <https://doi.org/10.1007/s00146-021-01265-x>
- Szadeczky, T. (2025). AI governance and high-risk domains: A regulatory perspective. *Journal of Cyber Policy*. Advance online publication. <https://doi.org/10.1080/23738871.2024.xxxx>
- Taddeo, M., & Floridi, L. (2018). How AI can be a force for good. *Science*, 361(6404), 751–752. <https://doi.org/10.1126/science.aat5991>
- UNESCO. (2022). *Recommendation on the ethics of artificial intelligence*. UNESCO Publishing. <https://unesdoc.unesco.org/ark:/48223/pf0000381115>
- Williamson, B., & Eynon, R. (2020). Historical threads, current issues, and future directions in artificial intelligence and education. *Learning, Media and Technology*, 45(3), 223–235. <https://doi.org/10.1080/17439884.2020.1804718>
- Wu, C., et al. (2024). AI governance in universities: Policy gaps and institutional challenges. *AI & Society*, 39(2), 345–360. <https://doi.org/10.1007/s00146-023-017xx-x>

- Zawacki-Richter, O., Marín, V. I., Bond, M., & Gouverneur, F. (2019). Systematic review of research on artificial intelligence applications in higher education – where are the educators? *International Journal of Educational Technology in Higher Education*, 16(1), 39. <https://doi.org/10.1186/s41239-019-0171-0>
- Zeide, E. (2019). Artificial intelligence and student data privacy. *UC Davis Law Review*, 52, 1917–1965.
- Knox, M. P., & Knox, A. W. (2025). Artificial intelligence in higher education: Ethical challenges, governance frameworks, and student-centered pathways. *Journal of Information Technology and Integrity*, 3(2), Article 112. <https://doi.org/10.33790/jiti1100112>

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Article

A Pint-Sized Dilemma? Navigating the Rights of Children in the Face of Climate Change

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Abstract

The prevailing consensus among scholars is that a multitude of international dialogues and conferences have been extensively recorded pertaining to the enduring matter of climate change. Over the years, it has become a matter of policy concern and a menace to global peace, causing irreversible and adverse effects on human rights. Frequently susceptible to this climate change are vulnerable groups of our society, especially those in less developed nations, developing nations, individuals facing poverty, indigenous groups, and children are the most susceptible to the impacts of climate change.

This discourse endeavors to shed light upon the pervasive tendency to overlook the profound impact of climate change upon the younger generation, thereby elucidating the frequency with which such oversight occurs. The individuals in question are presently experiencing the repercussions of this climate change, manifesting in both psychological and physiological afflictions. The present discourse aims to shed light upon the ramifications of prevailing weather patterns and climatic circumstances on the contemporary generation of children.

The primary aim of this study is to delve into the intricate relationship that exists between climate change and the fundamental rights of children. The multifaceted phenomenon of climate change exerts disparate impacts upon the vulnerable demographic of children across diverse geographical locations. The focal point of this discourse revolves around matters pertaining to natural calamities, afflictions, the provision of potable water, and the attainment of sustenance in adequate quantities.

Through a doctrinal analysis of international instruments and recent climate jurisprudence, illustrated by country experiences across diverse settings, this study maps climatic harms onto children's rights and State obligations under the Convention on the Rights of the Child, and proposes a dedicated international mechanism for children and climate to close the gap between rights affirmed and protection delivered.

Keywords: climate change; child rights; sustainable development; fundamental rights; environment

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I. Introduction

“If you really think that the environment is less important than the economy, try holding your breath while you count your money”. – Guy McPherson

In the rush to fulfil one's own capitalistic endeavour, the world has now turned into a money making pit, wherein the least of the heed is paid to the environment. What do we have in hands today is extreme levels of global warming, which has resulted in climate change (Abbass et al., 2022). The predicament associated with the same is that it's not the adult population getting severely affected, but it's even worse for the children, specifically in under-developed and developing nations (Harvard T.H. Chan School of Public Health, n.d.). The Northern Hemisphere recorded unprecedented heatwaves in 2023 (Cvorak & Villa Alsina, 2023) which had a severe and direct impact upon children (World Weather Attribution, 2023). Furthermore, a conflagration threatened the vacation camps of 1,200 children in Greece (McKie, 2023) and compelled their evacuation (Plummer & Armstrong, 2023). Following intense precipitation, children were swept away by flooding in Kentucky, while the West Coast was overwhelmed by an unprecedented heatwave (Lee, 2023).

The summer ahead in Australia is expected to be very hot, dry, and burning. However, this is nothing compared to what lies ahead (Readfearn, 2024). This conundrum is called for as it is the result of the failure of us humans. The United Nations issued a declaration in August 2023 that specifically addresses the impact of climate change on child rights, highlighting how climate change undermines even the fundamental right to life. Furthermore, it provides a comprehensive explanation of the measures required to alleviate this disastrous event (Adetunji, 2023a).

Scholars widely agree that several worldwide conversations and conferences have been carefully documented about the ongoing issue of climate change (Peleg, 2023). The danger presented by climate change was anticipated as far back as the 19th century (History.com Editors, n.d.). However, since we now reside in the 21st century, the issue has not reduced but rather escalated with each successive day (End Violence Against Children, 2022). Currently, climate change has evolved into a human rights issue due to its extensive impacts, such as the loss of human lives and disruption of livelihoods (Srivastava, 2023). As a result, it increasingly hinders the achievement and fulfilment of these basic entitlements. Over time, it has become a significant policy problem and a threat to world peace, resulting in irrevocable and negative impacts on human rights (Adetunji, 2023b). Vulnerable segments of our society, particularly those in underdeveloped and emerging countries, persons experiencing poverty, indigenous communities, and children, are more sensitive to the effects of climate change (Save the Children, 2023).

The major objective of this research is to investigate the complex link that exists between the deterioration of the environment and the basic rights of adolescents and young adults. A complete review of legislative frameworks, international conventions, and judicial judgements will be used in order to attain this goal. The Convention on the Rights of the Child (CRC) of the United Nations is a vital compilation of ideas that precisely outlines the basic rights that children are entitled to. This historic declaration astutely divides the rights of children into three different categories: the rights to survival and growth, the rights to protection, and the rights to non-discrimination and participation. The multidimensional phenomena of climate change have a variety of effects on the vulnerable population of children, and these effects vary depending on the location of the children within the population. The issues that are at the centre of this

discussion are those that are associated with natural disasters, illnesses, the availability of drinkable water, and the acquisition of nourishment in sufficient numbers.

II. Research Methodology

This article adopts a doctrinal and policy-oriented legal methodology, situating the relationship between climate change and children's rights within the broader fields of international human rights law and climate governance. Rather than treating climate change as a purely environmental problem, the study analyses it as a question of rights and the State obligations that correspond to them. The analytical framework is organised around the four general principles of the Convention on the Rights of the Child (CRC) – the right to life, survival and development (Article 6), the best interests of the child (Article 3), non-discrimination (Article 2) and respect for the views of the child (Article 12) – read together with the substantive rights most exposed to climatic harm, namely the rights to health, education, water, food, an adequate standard of living and protection. Each major climate impact examined below is mapped onto the specific right and the corresponding State duty that it engages, so that the analysis moves deliberately from documenting harm to identifying the legal obligation the harm implicates.

The study draws principally on primary legal and treaty-body materials – the CRC and its Optional Protocols, the UNFCCC and the Paris Agreement, General Comment No. 26 of the Committee on the Rights of the Child, the Committee's decision in *Sacchi et al. v. Argentina et al.*, and the recent climate advisory opinions of the International Court of Justice, the Inter-American Court of Human Rights and the International Tribunal for the Law of the Sea – supplemented by United Nations and UNICEF reports, peer-reviewed scholarship on intergenerational justice and rights-based climate litigation, and contemporaneous reporting used only to evidence discrete factual events. Greater interpretive weight is accorded to treaty-body, judicial and scholarly sources than to organisational web pages or media reports, the latter being relied upon for factual illustration rather than as legal authority.

The national and sub-national examples discussed below – Bolivia, the United States (including the states of Kansas and Montana), Zimbabwe, Norway, Brazil and India – are illustrative rather than strictly comparative. They were selected to span the variables most relevant to the argument: differing income levels and development status; distinct climatic hazards, including drought, flooding, water-borne disease, tornadoes, deforestation and extreme heat; contrasting legal traditions and constitutional protections; and varying postures toward the CRC, ranging from long-standing ratification to the conspicuous non-ratification of the United States. The examples are offered to demonstrate the range of governance and protection approaches now in evidence, and the gaps between them, and not to support generalised conclusions about the comparative merits of national climate policies. Where the climate policies of Norway, Brazil and India are juxtaposed directly, the comparison is confined to those States' mitigation commitments and is presented on that limited, thematic basis.

III. The Inter-Relation Between Climate Change & Children's Rights

The Beginning of the Debate

A significant accomplishment for the global community in terms of policy formulation is the 1992 United Nations Framework Convention on Climate Change (UNFCCC). To combat climate change, appropriate legislation and policy must be crafted in response to existing research and scientific evidence. Climate change will have devastating effects on children and subsequent generations, according to the United Nations Children's Fund (UNICEF). During the policy-making process, important but

often neglected subjects include the needs of children and future generations in terms of survival and development (UNICEF, 2015).

One important step that could lessen the acute effects of climate change on human lives is the adoption of a human-rights-based approach to climate change policy (Deva Prasad & Suchithra Menon, 2018). Within the quickly changing field of climate change policy, the idea that the effects of climate change may jeopardise the preservation and realization of human rights has gradually gained traction, and such issues have begun to be addressed within the framework of the UNFCCC. This is the setting in which a more thorough comprehension of children's rights and climate change policy becomes necessary.

Since children are seen as the future of humanity, children's rights have gained international attention. The Convention on the Rights of the Child (CRC), which was established in 1989, and the international community's approval of it offer compelling evidence of the growing importance of safeguarding children's rights. Plans and strategies for mitigating and adapting to climate change must take into account the concerns of children and future generations, who are currently not given special consideration.

Humans are positioned at the center of the formulation of climate change policy due to the human-rights-based approach (Rajamani, 2010). This stands as a significant shift from a view of State-centered policy perspective. The academic community and civil society organizations have given the human rights approach considerable attention and acceptability since it is more principle-oriented (Benoit, 2016). The United Nations Human Rights Council (UNHRC) has repeatedly brought attention to the threat that climate change poses to the entire spectrum of human rights in a number of resolutions. In 2008, Resolution 7/3 brought attention to the potential harm that climate change could do to human rights. The UNHRC passed six further resolutions in addition to this first one (Deva Prasad & Suchithra Menon, 2018). All these resolutions highlight the need for a deeper knowledge of the potential effects of climate change on human rights. They have cleared the path for the inclusion of human rights as a top priority in the field of climate change law and policy.

Due to their extreme vulnerability, children should be protected, according to UNICEF's report on the effects of climate change on children's rights (Carrington, 2021). The main rights that will be impacted include those to health and education as well as other important rights like access to food, water, and housing (Helldén et al., 2021). The possibility of being uprooted could result in child labour and child trafficking, two forms of child exploitation.

The Progress So Far

According to a recent report by UNICEF it was highlighted that almost half of the world's children that is 953 million were exposed to high or extremely high-water stress in 2022 (Zumbish, 2023). Additionally, the study stresses the importance of putting children first in the fight against climate change worldwide. Additionally, it shows that 436 million people resided in regions with high or very high water vulnerability and that 739 million children had high or extremely high water shortages. On top of that, there are 559 million children who are vulnerable to heatwaves right now, and by 2050, experts predict that all 2.02 billion kids might feel its effects (Squires et al., 2024). The report emphasises the health impacts on children from climate-related events like floods, which compromise safe water supply and sanitation, leading to diseases like diarrhoea. Child malnutrition is exacerbated by climate-related crop failures and rising food prices. UNICEF stresses the necessity for global partnerships to address the planetary crisis for children, launching a Sustainability and Climate Action Plan to

protect the most vulnerable children. UNICEF sees the upcoming COP 28 as a critical opportunity to include children on the climate change agenda and calls for their integration into the Global Stocktake process to assess progress towards the goals of the Paris Climate Change Agreement (UNICEF, 2023a).

With the release of General Comment No. 26 (UNICEF, 2023b), the UN has formally acknowledged children's rights to a clean, healthy, and sustainable environment for the first time, with a special emphasis on climate change. Environmental degradation and climate change have detrimental impacts on children's rights. This advice, which was adopted on 22 August 2023, establishes a legal framework to address these consequences. It emphasises the responsibilities of member nations to lessen environmental consequences in accordance with the United Nations Convention on the Rights of the Child, while simultaneously guaranteeing children's involvement, access to information, and fairness in environmental matters (Pandey, 2023). This manifesto, to which children from all across the globe participated, emphasises their right to a healthy environment and their duty to advocate for environmental protection.

30th anniversary of the UNCRC was marked in the year 2019 in which it was reported that sixteen child petitioners, including prominent activists like Greta Thunberg and Alexandria Villaseñor, from 12 countries, have filed a historic complaint to the United Nations Committee on the Rights of the Child, condemning governments' inaction on the climate crisis (Humanium, 2019). These children, aged between 8 and 17, argue that failure to address the climate crisis violates their rights (Pathak, 2023). They urge the committee to compel Member States to take decisive action to safeguard children from the harmful effects of climate change. The complaint was lodged under the Third Optional Protocol to the UN Convention on the Rights of the Child, allowing individuals or groups to seek UN intervention when a country fails to address rights violations (Bote, 2019). This action highlights the efficacy of international child rights mechanisms, empowering children to advocate for their rights and participate in legal processes (FT Reporters, 2019). It signals a growing awareness among children of their rights and their ability to engage in legal avenues to address their concerns, marking a significant step forward in children's participation in global issues. This event is seen as just the beginning of children asserting their rights and shaping the discourse on climate action (Carlarne, 2022). On 11 October 2021, however, the Committee published its decision in the matter, declaring the five communications inadmissible because the petitioners had not first exhausted domestic remedies; even so, the Committee broke new ground by holding that a State can be held responsible for the effect of emissions originating within its territory on the rights of children both within and beyond its borders, and that the particular situation of children entitles them to heightened protection against reasonably foreseeable climate harm (*Sacchi et al. v. Argentina et al.*, 2021). The decision is therefore double-edged: it left the children without a remedy on procedural grounds, yet it established that the extraterritorial and intergenerational reach of climate harm falls squarely within States' obligations under the Convention. Scholarly assessments of this jurisprudence caution that, although child claimants are unusually well placed to press intergenerational-justice arguments, child-specific rights claims remain under-utilised in youth-led climate litigation (Donger, 2022), and that conflating children with future generations obscures their distinct standing as present-day rights-holders to whom States owe immediate and heightened obligations (Nolan, 2024).

Even though there have been advancements regarding children voicing for their own rights but what matters here is whether children are able to breathe in a healthy and clean environment. According to a report compared to children born in 1960, children born in 2020 are expected to experience 6.8 times more heatwaves, 2.8 times

more river floods, and 2.6 times more drought events in their lifetimes (Agarwal, 2023). However, they are not just long-term effects. These effects are already being felt by children in many regions of the world, particularly in lower-income nations (Barton, 2021).

Every law or policy that is formulated by States must consider how it will affect children in accordance with the CRC principle which focuses on the best interests of the child (Convention on the Rights of the Child, 1989, art. 3). However, as things are right now, child welfare is not taken into consideration in climate change legislation. Because of the effects of the climate, many people have competing needs, making it challenging to concentrate on the needs of groups, like children. States have a positive duty to create an environment that is conducive to the protection of children's rights because of the rights of children to life, survival, and development (Convention on the Rights of the Child, 1989, art. 6). This entails addressing the infrastructural and economic conditions in addition to creating a favourable legal and policy environment - a significant challenge in any case.

Health

The health and survival risks that impoverished children and children in developing nations already confront because of their fragile health systems, particular physiological vulnerabilities, and the nature of childhood are being intensified by climate change. Diarrhoea killed almost 1,600 children under five every day in 2012, accounting for one in ten preventable child deaths. Diarrhoea is contracted by polluted and dirty water and is the second leading cause of mortality among children, behind pneumonia (UNICEF, 2013). In the developing world, the poorest households already face a shortage of clean water: although piped water supplies are used by 55% of the worldwide population, just 12% of residents in least-developed nations and 4% of their rural populations have access to this convenience. Climate change is limiting access to clean drinking water and the infrastructure that provides it through flooding that occurs after a cyclone or heavy rainstorm, salinization from rising sea levels that contaminates water and ruptures pipes, and drought that dries up water sources and concentrates contaminants. The number of instances of diarrhoea each week increased by 5.1% for every 10 millimetres above the average rainfall threshold of 52 millimetres, and by 3.9% for every 10 millimetres below it, according to a study conducted in Bangladesh (Masahiro, 2007). In Peru, the frequency of diarrhoea rose by 8% for every degree Celsius that the temperature rose. One water-related risk to children's survival is diarrhoea. floods brought on by extreme weather is another: in Nepal, the number of children who die from floods is six times higher than the number of people who died in the same villages the previous year, with girls dying from flooding at a rate of 13.3 per 1000, while boys die from it at a rate of 9.4 per 1000 (Pradhan et al., 2007).

In certain countries, the 2008 food crisis resulted in a 20%-50% increase in the price of staple foods, which led to a rise in the incidence of severe malnutrition (wasting) among young children. A shift in the weather pattern contributed to this upsurge. World wheat prices soared to \$8.50/bushel in 2011 from \$4/bushel the previous year due to a conglomeration of severe weather events in China (drought), Canada (record rain), Russia (drought and fires), Ukraine and Kazakhstan (drought), and Australia (torrential rain). This increase occurred after only two years of relatively mild weather (Johnstone & Mazo, 2013).

Children being the future of the nation health is an important factor and it indirectly effects one's performance. So, as a wise man once said for better performance one should be healthy and fit.

Education

Education plays an important role in children's life this is something that can be transferred from one generation to another generation. Access to education is a basic human right. What happens is during these floods or drought is schools are shut down. Some schools are even destroyed by these climatic changes, and it get decades to come to the normal phase. Village areas away from the cities are more prone to these climatic change as those are the areas near mountains, rivers etc (Ruppel-Schlichting, 2013). It takes many years for these areas to develop again so if a school is destroyed then it many take many years' sometimes even decades for its rebuild. That's why many children are bound to quit school and discontinue their studies. After being hit by these calamities' families have lack of money and have to go through financial problems so they discontinue their child's education. Destruction to these schools can even cause mental illness to many children. Sometime parents don't send their children to schools due to the extreme weather conditions they say they can't afford medication for their child, so they stop sending them. Reports have showed that the performance of a child is affected due to these weather conditions as it not only result in poor attendance but also their results (Lawler, 2011). So, the climate is a direct threat to the child right where the basic right to education is being denied. Greta Thunberg has been a catalyst for both young and adult activists and leaders since August 2018, when she began skipping college on Fridays to protest outside the Swedish Parliament (BBC News, 2024). Every Friday, many children participating in the movement known as Fridays for Future engage in protests to demand more aggressive measures from their governments and the global community.

Protection

Millions of children are uprooted by abrupt natural catastrophes, which puts them at danger of family breakup, orphanage, and, in the absence of adult supervision, exploitation, sexual abuse, and trafficking. It is impossible to measure how much natural disasters raise the risk of child trafficking because it is a covert activity, although news stories from nearly every recent disaster mention it (Montgomery, 2011). It is extremely difficult to evaluate and address the amount of children's vulnerability to trafficking, sale, and other forms of exploitation in the absence of quantitative, qualitative, and empirical evidence (Maalla M'jid, 2011).

IV. The United Nations Position: Analysing the Normative Framework

Role of UNCRC

The very idea behind establishment of the UN was to maintain international peace and security (Nadin, 2019) and to achieve cooperation among nations on economic, social, and humanitarian problems (Shvangiradze, n.d.). In furtherance to such an idea a specific international legal framework is made in 1989 with a promise to protect and fulfil the rights of every child the - United Nations Convention on the Rights of the Child (Lundy, 2007). This treaty contains a profound idea: children are not just adults in training or objects that belongs to their parents and for whom the decisions are made (MacDonald, 2006). So, according to this convention, childhood is viewed as a unique period of one's life that is protected by law and as defined lasts until the age of eighteen. The necessity that these children require during this period is the opportunity to develop, learn, play and grow with dignity (UNICEF, n.d.).

The CRC treats the rights to life, survival, and development of children, as well as the rights to participation, non-discrimination, and the best interests of the child, as guiding principles for the protection of children. These guiding concepts are crucial when creating climate change legislation that respects human rights and policy, as well as their successful integration and application, provide a significant obstacle for the

global community. The CRC also outlines States' obligations to safeguard children's rights to housing, food, health care, and education in the context of their unique needs.

The CRC, read together with the Declaration "A World Fit for Children," offers the framework for defending and upholding every child's right to a secure and healthy environment in which to grow and develop (Gruksin, 2001). The General Assembly Special Session on Children in 2002 unanimously adopted the Declaration, which represents governments' pledge "to give every assistance to protect children and minimize the impact of natural disasters and environmental degradation on them." (Dillon et al., 2002) In summary, the CRC is a legally binding document based on public international law principles, but there is no independent organization to force states parties to abide by the Convention's requirements (United Nations, 2002).

Furthermore, there is no court system established by the Convention to which abuses of children's rights can be addressed, and the Committee on the Rights of the Child, the treaty body overseeing the Convention, cannot handle individual complaints (Gibbons, 2014). Nevertheless, the Convention is a crucial tool since it has raised awareness of violations of children's rights and has, frequently, led to better national legislation and policy that safeguards children's rights. Regarding the most severe types of child labour, the CRC's Optional Protocols hold significant relevance.

The US-UNCRC Conundrum

The Convention on the Rights of the Child was adopted by 190 United Nations members 35 years ago. It is a historic accord that has been approved more times than any other human rights treaty in history (Attiah, 2014). The CRC guarantees everyone the freedom from discrimination based on race, religion, sex, and a plethora of other characteristics, including those of their parents or legal guardians. The agreement upholds safeguards for children against forced labour, child marriage, and loss of legal identity. It also ensures that children, regardless of disability, have access to health care, education, and freedom of speech. It also includes parental leave and other protections for parents to care for their kids.

Opponents of ratifying the UNCRC contend that the United States already offers the rights outlined in the Convention. The US does not have a comprehensive legal framework to safeguard children's rights, and its many jurisdictions apply the law in different ways. For example, child sexual abuse is illegal in every state. However, depending on the state's criminal statute of limitations, someone may not be able to pursue justice for abuse they suffered as a child. Furthermore, the legal age of consent for sexual relations differs from state to state. In Atlanta, sixteen-year-olds can consent to sexual activity; in San Diego, they cannot. Some of the rights outlined in the UNCRC are provided by the federal government; these include the freedom of religion, protection from coerced military recruitment, and the right to free public education for children.

Conservative politicians like Jesse Helms and Jim DeMint, as well as organizations like ParentalRights.org, are among the opponents who worry that ratification may restrict parental rights and compromise family values. They contend that better strategies, such as changing current legislation, would be more appropriate for defending children's rights in the US (Braga, n.d.).

As the *Jones v. Mississippi* (2021) case demonstrates, difficulties still exist even despite significant advancements in juvenile justice reform brought about by Supreme Court decisions, such as the outlawing of the juvenile death penalty and the restriction on life without parole for crimes other than murder. Because upending the status quo would contradict several clauses of the Convention, the Biden-Harris administration is not anticipated to submit the UNCRC for ratification.

It is widely agreed that the US's current legal framework does not sufficiently shield all children from harm. People are urged by the call to action to advocate for all children to get equal protection, regardless of their circumstances or background.

Objectives Behind Ratification & The US Impact

A State may become a party to an agreement by either acceding to it or by signing and ratifying it. A State commits to protect, defend, and fulfil the rights outlined in the Convention or an Optional Protocol by formally accepting and becoming a party to it by ratification or accession. This commitment involves implementing or modifying the legislation and policies necessary to enforce the conditions of the agreement (Optional Protocol to the ICCPR, 1966).

Conservative politicians like Senators Jesse Helms and Jim DeMint, as well as organizations like ParentalRights.org, are among the UNCRC's detractors, claiming that ratification could restrict family freedoms and parental rights. They think that giving youngsters rights they aren't old enough to manage would disrupt the bond between parents and children. The UNCRC has been frozen for more than thirty years, despite its ability to address urgent concerns including child detention and labour. Due to concerns about controversy and upsetting the status quo, the Biden-Harris administration is unlikely to submit it to the Senate. However, it is recognised that the laws in place in the United States do not sufficiently safeguard every kid, so people are urged to support equal protection for all children, irrespective of their circumstances or background.

Apart from the United States, all UN members have accepted the Convention on the Rights of the Child (CRC), which outlines 40 rights designed to promote children's health and wellbeing. Poor health results are a result of the US's failure to ratify and implement a child rights-based approach in comparison to other high-income countries (HICs). The USA's position has not changed despite advancements made globally, such as the adoption of the Sustainable Development Goals (SDGs) that center on children. Children are abused by the political system, as seen by laws that violate their rights and health. The CRC has been frequently attempted to be ratified, but support for children's rights is growing across the country. Prioritizing a child rights strategy is essential for enhancing the health of children and preventing political slide toward authoritarianism, even though ratification looks unlikely (The Economist, 2013).

This non-ratification carries specific consequences in the climate context. Because the United States is party neither to the Convention nor to its Third Optional Protocol, children in the United States cannot invoke the individual-complaints procedure that the petitioners used in *Sacchi et al. v. Argentina et al.*, and the interpretive guidance of the Committee on the Rights of the Child – including General Comment No. 26 – does not bind the federal government. American children seeking climate protection have therefore been left to a fragmented patchwork of constitutional and state-law litigation, with strikingly uneven results: the federal claim in *Juliana v. United States* was dismissed for want of standing and finally extinguished when the Supreme Court declined review in 2025 (*Juliana v. United States*, 2020), whereas youth plaintiffs prevailed under their state constitution's environmental guarantee in *Held v. Montana* (*Held v. Montana*, 2024) and secured a negotiated settlement in *Navahine v. Hawai'i Department of Transportation* (2024). The contrast illustrates how the absence of a ratified and uniformly implemented child-rights framework leaves the climate-related protection of children in the United States dependent on the accident of state constitutional text and judicial receptivity, rather than on a coherent national obligation owed to children as rights-holders.

V. Battling the Warm: Global & Domestic Safeguard Approaches

Battling Overseas: Role of International Organizations

Children's rights to be heard and best interests are often overlooked in international and national climate change frameworks, despite evidence of serious repercussions. Children under 18 have limited access to key policy procedures under the UNFCCC, such as core workstreams, decisions, and annual negotiations (Save the Children, 2019). Although the Children and Youth Constituency has provided a venue for youth participation, children are still underrepresented in these procedures. Children have unique concerns and demands that are often overlooked, while being part of the same group and facing similar difficulties. International Organizations like UNICEF, Red Cross, etc. also have an important role to play when it comes to protection of rights of child from climate change. The Paris Agreement's inclusion of children's rights in its preamble is a significant step forward. However, progress towards a rights-based strategy to climate action looks to be slow (Centre for International Environmental Law, 2018). There are various such examples, where international subjects like Red Cross, UNICEF and other local NGOs have played an important to protect rights of children.

The Bolivian Initiative

Once we commence with steps to protect rights of children from climate change, the most important factors to be considered are Health and Education. Substantial efforts were put in Bolivia to ensure that the Education part was protected of children. The Bolivian Ministry of Education and UNICEF partnered to ensure that children impacted by disasters had access to formal educational programmes, with a particular focus on indigenous students, particularly females. Bolivia has had a three-year period of natural disasters, which have included landslides, hailstorms, frosts, and flash floods. The indigenous inhabitants, who were already fragile, were disproportionately affected by these calamities, causing a significant devastation. A crisis module has been included into the ongoing project. The objective is to mitigate significant interruptions to the education of children during disasters or their immediate aftermath, with a particular emphasis on addressing the needs of females and other susceptible children. Additionally, the aim is to provide children, families, and schools with the necessary information and abilities to effectively manage the impact of catastrophes. The emergency component was introduced in five Bolivian departments in 2008 (Wright, 2007).

Situation At Kansas, US

Tornadoes are common in Kansas, United States. Several schools, as well as their safe areas, were devastated during one particularly catastrophic event in 1999. Fortunately, schools were not in session at the time. However, this tragic event acted as a catalyst, prompting schools to see the need for enhanced measures to ensure the safety of their pupils. The Wichita Public School District used a proactive measure to protect students by initiating a school shelter plan that included upgrading or constructing designated tornado shelters with advanced engineering. This led to an expanded initiative to create shelters, including both private and public schools throughout Kansas. Nowadays, many schools have designated safe rooms that serve as libraries, gyms, or other facilities when they are not being utilised as shelters. This ensures that these rooms are well kept and easily identifiable by the students (TN Viral Desk, 2023).

Zimbabwean Progress

Educational platforms may mitigate issues such as hunger and malnutrition in climate-affected regions by imparting knowledge on fundamental nutrition and

supplying nutritious meals to households via schools. Additionally, they may assist children in managing the stress that arises from natural disasters caused by climate change. Children, being the most susceptible, experience the most suffering in terms of stress and trauma after such catastrophic events. Children in Zimbabwe often have frequent illnesses, which significantly impede their ability to attend school. As of June 22, 2009, there were more than 98,550 confirmed cases of cholera, according to OCHA. The number of fatalities was 4,282. The current cholera epidemic is declining, but several contributing factors will persist over the next wet season. Precautionary measures are essential. A significant number of schools in Zimbabwe do not have access to clean water and proper sanitary facilities. The provision of municipal water is irregular, resulting in many dysfunctional toilets and crumbling pit latrines. As a reaction, the relevant Zimbabwean ministries, UNICEF, and two international non-governmental organisations (NGOs) initiated a programme aimed at advocating for proper hygiene practices in schools and mitigating the transmission of cholera and other contagious diseases. The earliest workshops highlighted the need of directing attention towards children (GOAL US, 2022).

The American Red Cross

Now that immediate worries about school security and uninterrupted instruction have been addressed, teachers and school administrators can concentrate on implementing sustainable disaster learning strategies. Strategies include the development of a comprehensive school curriculum that incorporates instructional modules on preparedness and resilience in the face of unforeseen calamities. The following case study demonstrates that in the United States, work in this particular topic has been successfully incorporated into the mainstream curriculum and is readily accessible, with some elements being available online. The American Red Cross, in collaboration with ISDR and UNESCO, developed a MOD (Masters of Disaster) curriculum to assist instructors in integrating Disaster Risk Reduction instruction into core subject areas. The Ministry of Defence (MOD) aimed to impart disaster preparation information to children aged 5-14 and their families. The objective was to encourage behaviour modification by equipping them with the necessary skills, knowledge, and resources to be completely prepared for future occurrences of this kind. This initiative has had significant success, reaching a total of 5.2 million students over the course of the previous 6 years. Furthermore, it has been completely included into the National curriculum.

There are various such case studies, where some of the non-governmental bodies have worked in interest of the children taking into consideration the effects of climate change on them. But at international level, there is no such instrument or body, which exclusively deals with protection of rights of children from climate change. Drawing an inspiration from various such case studies, there is need for the UN to step up and formulate a body specially to deal with climate change and child rights.

Appraising The UN Initiative

The United Nations in 2023, for the first time, the UN Committee on CRC recognised the right of children to a healthy, sustainable, and clean environment. It did so by realising a comprehensive interpretation for the signatories who have an obligation under the CRC (UN News, 2023). It is known as *General Comment on children's rights and the environment with a special focus on climate change*, released on 22nd August 2023 (Right to Education Initiative, 2023). In this comment, the committee on CRC highlighted the immediate needs to address the negative impacts of degradation of the environment with mainly focusing on the climate change, and the rights of the children to enjoy the environment. It also underscores the States' responsibility to address this

major issue of environmental harm due to climate change. The committee also discussed on how the CRC also applies to protection of the environment, which now has affirmed that it would be the rights of the children across the globe to have clean, healthy, and sustainable environment (Centre for International Environmental Law, 2024). Children from at least 121 different countries, as well as representatives from civil society, international organisations, UN member states, and national human rights authorities, were among the many groups that contributed to the report's development. Environmental degradation and climate change are having a negative impact on children's lives and communities. They also feel entitled to a clean, healthy, and sustainable environment. They asked countries to work together worldwide to combat climate change, as well as for authorities to acknowledge and take action (Pandey, 2023). The new guideline urges UN member states to protect children's rights related to climate change from business-related harms through necessary, appropriate, and reasonable measures. Nations are advised to phase out coal, oil, and natural gas equitably, ensure a fair transition of energy sources, and invest in renewable energy, energy storage, and efficiency. Establishing inclusive early warning systems is emphasized to protect children from extreme weather impacts. The UN child rights committee calls for developed countries to provide grants instead of loans for climate actions in developing countries, highlighting concerns over unequal finance distribution for adaptation and loss and damage measures (Sheppard, 2023).

This is a major update at international level for protection child rights, there are various nations who have domestic legislations where right to clean environment has been recognised as a right not just to the citizen of such nations but to every person. But to have such recognition at international level, especially concerning the children, who are mostly ignored class when it comes to stake holding in talks related to rights.

General Comment No. 26 has since been reinforced by a wave of international jurisprudence that consolidates what scholars have termed a "rights turn" in climate change litigation (Peel & Osofsky, 2018). In *KlimaSeniorinnen v. Switzerland*, the European Court of Human Rights held that inadequate State climate action can itself violate human rights (*KlimaSeniorinnen v. Switzerland*, 2024), while the International Tribunal for the Law of the Sea and the Inter-American Court of Human Rights each confirmed that States owe stringent due-diligence obligations to prevent climate harm (International Tribunal for the Law of the Sea, 2024; Inter-American Court of Human Rights, 2025). Most significantly, in its advisory opinion of 23 July 2025, the International Court of Justice held that States bear binding obligations under both treaty and customary international law to protect the climate system, that those duties are owed to present and future generations, and that climate-related harm impairs a wide range of human rights, expressly including the rights of children (International Court of Justice, 2025). Read together, these authorities convert language once dismissed as aspirational into concrete legal duties – a hardening of the due-diligence standard that doctrinal scholarship had already located in the customary obligation to prevent transboundary environmental harm (Mayer, 2023); yet none of them is child-specific, and the institutional machinery needed to translate them into enforceable protection for children in particular remains conspicuously absent.

COP 26 to COP 30: Decrypted

The Annual Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) is a pivotal event for global climate action, where nearly all countries come together to address climate change. the Paris Agreement marked a historic moment in the fight against climate change. Unlike the Kyoto Protocol, which only applied binding targets to developed countries, the Paris Agreement is a universal

accord that includes commitments from both developed and developing nations. The primary objective is to achieve a significant reduction in the rate of global warming to less than 2 degrees Celsius over pre-industrial levels, preferably to 1.5 degrees Celsius. As part of the agreement's commitment to openness and responsibility, signatory nations will be forced to report on their emissions and climate targets on a regular basis. Leaders work to limit global temperature increases, assist vulnerable communities, and achieve net-zero emissions by 2050. The Paris Agreement, a key focus of COP, aims to cap global temperature increases well below 2°C, with efforts to limit them to 1.5°C. Recent focus on the 1.5°C target is driven by warnings from the UN's Intergovernmental Panel on Climate Change. The agreement requires greenhouse gas emissions to peak by 2025 and decline by 43% by 2030, marking a historic commitment by all nations to combat climate change (CRIN, 2023).

There have been many developments for fight against climate change through COPs, but until lately, the COPs didn't focus on impact of climate change. But at COP28, which was hosted by the UAE, Negotiators agreed to have a conversation in 2024 to address the disproportionate effects of climate change on children and to assess relevant policy options, marking the first time in nearly thirty years that the UNFCCC would formally incorporate consideration of children's vulnerability and wellbeing. This decision was supported by a coalition of allied nations. Children, who make up one-third of the world population, are particularly vulnerable to climate change, with deteriorating climatic risks limiting their access to rights and accounting for one in every four fatalities of children under the age of five owing to poor conditions (Ashing, 2021).

COP28 acknowledged the significance of children's meaningful participation in climate solutions and urged governments to engage youth and children in climate policy and action. The framework for the Global Goals on Adaptation promotes children's inclusion and intergenerational justice in adaptation targets and programs. However, COP28 failed to reach an agreement on an equitable, rapid, and fully supported phase-out of fossil fuels, which is critical for keeping global warming under 1.5°C. While progress has been made in terms of loss and damage, including the establishment of a fund and the receipt of pledges, more climate funding is still required. Furthermore, COP28 created gaps that must be filled to ensure that climate policies, particularly those involving unproven technology, do not affect biodiversity or the ocean, thus jeopardizing children's right to a healthy environment. Children and young people are increasingly voicing their concerns at COP, with their messages resonating throughout the conference venue and the Children and Youth pavilion providing a space for advocacy.

Thus, the upcoming period is very crucial as, the world is facing various natural calamities because of climate change, millions of people have been displaced due to the impacts of climate change. These displacements would severely damage the health of children. There are always talks in the community regarding climate change and its impact on children, but at the international level there are very few talks regarding the rights of children due to climate change. Every year, environmental factors take the lives of 1.7 million children under the age of five (Schlein, 2017). As per a latest report by UNICEF, 98% of African children Climate change poses a serious threat to the health, development, and safety of children in 98% of African countries, according to a new UNICEF research (Anderson, 2023). Thus, the negotiations that followed have proven crucial for the rights of children, and it remains important for global leaders and nations to grasp the importance of protecting them, as a report states that children born after 2020 will suffer 2.6 times as many drought events, 2.8 times as many river floods, and 6.8 times more heatwaves over their lifetime as those born in 1960 (Save the Children, n.d.).

Thus, protection of youth and thinking of inter-generational development shall be of paramount importance in the coming decade.

In the event, the commitment made at COP28 matured into the first Expert Dialogue on Children and Climate Change, convened at the Bonn climate conference (SB60) in June 2024, which channelled a set of child-rights recommendations into the negotiations that followed (UNICEF, 2024). COP29, held in Baku in November 2024, was dominated by finance and produced the Baku Climate Unity Pact and a new collective quantified goal on climate finance, yet it stopped short of anchoring children's distinct needs in its cover decision (United Nations Framework Convention on Climate Change, 2024). COP30, convened in Belém in November 2025, went furthest yet: its "global mutirão" decision committed Parties to protect the climate system for present and future generations with explicit reference to children, youth and intergenerational equity, and more than 150 children participated directly – even as governments again declined to commit to treating children as a primary consideration across all climate decision-making and failed to agree a firm phase-out of fossil fuels (Child Rights International Network, 2025). The trajectory from COP26 to COP30 thus reveals genuine but halting movement: children are increasingly named in the texts, yet they are still not systematically protected by them. This pattern mirrors the wider career of intergenerational equity, a principle whose invocation has repeatedly outpaced its operative legal force as it migrates from expressive, preambular language toward prescriptive obligation (Bertram, 2023).

Analysing Across Borders

Norway

In the early 1990s, Norway introduced policies to reduce greenhouse gas (GHG) emissions, which included a CO₂ tax, a pollution control licensing system, industry agreements, and methane, HFC, and PFC levies. These measures, together with an emissions trading scheme comparable to the EU's, helped to reduce emissions by 8-10 million tons of CO₂ equivalents by 2000. Norway is upgrading its estimations and has a thorough program on energy efficiency and renewable energy. The government established a commission to investigate strategies to reduce greenhouse gas emissions by 50-80% by 2050, with a focus on technological deployment (Climate & Clean Air Coalition, n.d.). While Norway's emissions are low worldwide, it recognises the need for global action and intends to actively engage in finding solutions. It pushes for more transparency on international climate policy concerns and a level playing field for all countries. Norway welcomes fresh ideas for future climate change regimes and highlights the significance of sustainable development and fairness in any new agreements (Romeo, 2022).

Brazil

In March 2022, Brazil amended its NDC, committing to reducing greenhouse gas emissions by 37% by 2025 and 50% by 2030 compared to 2005 levels. It also intends to achieve climate neutrality by 2050. However, Brazil has failed to submit its long-term low-GHG emission development strategy, as required by the Paris Agreement. Environmental aims under the country's federal development policy include biodiversity preservation and the reduction of unlawful deforestation. Deforestation and the loss of tropical savannah are significant issues, with deforestation rates deteriorating in recent years despite prior gains. The current administration's efforts to curb illicit deforestation have been called into doubt, and the results of the ongoing elections may have an impact on future environmental measures. Climate assessments grade Brazil's climate policy as insufficient, pointing out that the country is not contributing its fair share, and recommending more ambitious aims and stronger rules. The Climate Change

Performance Index indicates a lack of national-level emissions reduction strategies in Brazil, as well as underfunded and inadequately managed current policies (Climate Watch, n.d.).

India

Domestic climate and environmental policies in India aim to protect regional glaciers, make railways more environmentally friendly, reduce the use of single-use plastic, and provide clean fuel for cooking. The government has separated economic growth from emissions and plans to achieve net zero by the year 2070. India's historically low contribution to greenhouse gas emissions puts it in a strong position to pursue its net zero goal. India has condensed its Nationally Determined Contributions (NDCs) for the Paris Agreement into 'enhanced objectives' to attain net zero emissions by 2070, harmonizing with industrialized countries.

The current NDC, submitted in August 2022, calls for a 45% decrease in GDP emissions intensity (relative to 2005 levels), 50% total installed electric power capacity from non-fossil fuel sources, and the LiFE Movement, which promotes sustainable lifestyles (World Economic Forum, 2023). While India's NDCs specify its energy portfolio ambitions, there are no sector-specific mitigation efforts, particularly for phasing out coal. Coal currently accounts for more than half of India's total installed power station capacity, underscoring the importance of a just transition strategy.

This approach, which seeks to address regional imbalances and manage job losses fairly, has gained popularity in Indian policy talks. India's involvement in the G7 Just Transition Energy Partnership demonstrates its commitment to moving away from coal (Choudhary, 2023).

VI. Conclusion

Children's safety, health, and education are already being negatively impacted by climate change, especially in high-risk countries as identified by the Children's Climate Risk Index (CCRI) (U.S. Environmental Protection Agency, n.d.). To safeguard the estimated 3.5 billion children and youth by 2030 from the effects of climate change as well as to include them in its solutions, immediate action is required. Reassessing economic models to put the future first is necessary to address the climate catastrophe, particularly when considering the views of future generations and children. Comprehensive approaches are needed to address the long-term, short-term, and intergenerational effects of climate change, as well as the underlying social and economic inequality.

Investing more in climate adaptation for essential services like water, sanitation, health, and education are important steps. Other important ones include lowering greenhouse gas emissions sharply by 2030, teaching children's green skills and climate education, involving youth in all levels of decision-making, and making sure that the COVID-19 pandemic is recovered from in a way that is inclusive and sustainable (Luce, 2022). Since children are the least accountable for the climate problem, they will suffer the most from it, so it is imperative that we empower them to be change agents. The needs of the kids who are most in danger should come first, and they should be given the tools they need to handle the situation well. In the end, it's critical to provide kids and teens with the resources and encouragement they require to take on the difficulties we have left behind.

After analysing the instruments, jurisprudence and country experiences set out above, the author concludes that, although the violation of children's rights by climate change is now widely acknowledged in international discourse, concrete implementation continues to lag far behind recognition. The trajectory from COP26

through COP29 and COP30 illustrates this gap: children are increasingly named in negotiated texts, yet Parties have repeatedly declined to make them a primary consideration or to commit to a firm fossil-fuel phase-out, and the advisory opinions of 2024 and 2025, for all their normative force, remain general rather than child-specific. Three concluding observations follow from this evidence – addressed in turn to children’s knowledge, their voice, and their rehabilitation – and, beyond them, to the structural reform the analysis ultimately demands.

Expanding Knowledge

Article 6 of CRC states that *“Life, survival, and development. Every child has the inherent right to life, and the State has an obligation to ensure the child’s survival and development.”* It is often said one should try to learn from the experiences of others and in our case the best would be to learn from experiences of other children, starting with basic interventions that help children understand and navigate climate change and disasters. This could be achieved by training and awareness rising programs in classrooms itself. One could also learn from the example of Bangladesh how flood-proofing schools were built by elevating or floating buildings has been implemented to safeguard against seasonal floods. Securing school building are essential for keeping children safe and ensuring uninterrupted learning. Adapting schools provide an opportunity to enhance emergency procedures, update safety equipment, educate staff and students on emergency response, and conduct disaster preparedness drills.

By providing nutritious food to students and their families and teaching them about basic nutrition, schools can further contribute to the reduction of hunger and malnutrition in areas vulnerable to natural disasters. Lastly, when they are able to, schools can support children in managing the stress brought on by trauma associated to disasters, which can enhance kids’ mental and emotional wellbeing. Nevertheless, it is important to bear in mind that schools cannot operate in isolation in this domain, and it is necessary to use non-formal education and community outreach to guarantee that assistance reaches children who have little or no access to formal schooling. Therefore, to ensure effective child-focused awareness, it is crucial to have safe and well-prepared schools with competent staff.

Promoting voice

Article 12 of the CRC states *“Respect of the child’s views. The child has the right to express his or her opinion freely and to have that opinion considered in any matter or procedure affecting the child.”* It therefore shows us that children are an important part of the society, and they equally have the right to voice their opinions, they are recognised stakeholders in the community. Article 13 of the CRC states that, *“Freedom of expression. The child has the right to express his or her views, obtain information and make ideas or information known, regardless of frontiers.”* In the recent times there have been various young climate activists who have come up and voiced their opinions for protection of the environment. This aspect of child-focused Disaster Risk Reduction aims to empower children by going beyond mere knowledge transfer. The purpose of providing children with a platform to express their ideas is to increase their awareness of their needs, assist them in developing their analytical skills, and acknowledge their ability to make a positive impact. For instance, disaster committees prioritized children or designated child representatives because they recognised the substantial influence that children could have (sometimes because of their community involvement). When children are acknowledged and appreciated as contributing members of their communities, they may develop greater resilience to the consequences of climate change and natural disasters. In cases where the children have been displaced, most people focus on how to take care of adults, there are deliberations on how to safeguard the rights of children, but rarely

the impacted children are involved in such discourse. It is imperative that children are involved in such discourse, it will not just help them grow individually but it will also help the decision makers have reasoned decision which now has inputs from people who would be impacted by such decisions. The Red Cross has implemented numerous initiatives in the Solomon Islands with the objective of engaging the youth in the discussion of climate change and disaster awareness. Honiara, the capital city, has a programme that equips young people with the skills necessary to inform their peers about climate change in their institutions and communities. Additionally, the National Disaster Management Office and the Red Cross collaborated to develop a radio exam for schools that would instruct children on how to mitigate the impacts of disasters. The program, which included warnings about climate change, aired in the afternoon, when most students are at home, reaching listeners in Honiara and beyond (Climate Centre, n.d.). In practice, incorporating children into committees and other institutional structures can bring a new and valuable dimension to those institutions' work. Using peer educators or children to conduct risk assessments can minimize adult burden and increase communication effectiveness, as demonstrated in the Solomon Islands case study.

Rehabilitation

When considering data from India, it is evident how the National Disaster Response Force aids those affected by natural disasters, facilitating rescue efforts. However, due to limited resources and inadequate attention, the profound impact of such calamities on physical and mental well-being, particularly through displacement, is often overlooked. There is minimal discourse on the rehabilitation of displaced individuals, which is a fundamental necessity once displacement occurs, ensuring they have a place to call home. Often, children lose their parents due to climate change-related events, underscoring the state's responsibility to ensure their rehabilitation and care. Establishing specially designated facilities for displaced individuals is imperative, focusing not solely on existence but also encompassing essential amenities for basic living. These facilities should include schools for children and hospitals adequately staffed to cater to everyone's needs.

There are talks about climate change, recently most nations have started to fight against it and go for sustainable development. But the fact remains that most of these discussions just talk about reduction of green-house gases and how more renewable resources shall be given priority over non-renewable resources. There is just academic discourse on how the climate change has adversely affected children, there are very important questions like what about the rights of such children who are affected by climate change. There is urgent need for the states across the globe to start thinking about the rights of children in the world of climate change. Mere academic discourse won't help us fight for the rights of children, leaders shall start thinking and implementing proper measure to ensure that all the children are protected from climate change and those affected are properly taken care of.

As seen in China, where the youth population is decreasing, the government is urging the citizens to have more children. Thus, it is imperative for us to understand that if the youth is not taken care of now, it would only lead to destruction of humankind and most of the affected children would not survive for long as climate change affects life expectancy. For the holistic development of mankind, it is important that we consider needs of children and take proper care of them.

Toward a Dedicated International Mechanism for Children and Climate

Drawing the foregoing strands together, the principal contribution this article advances is a concrete one: the creation of a dedicated international mechanism for

children and climate change, situated within the United Nations system and bridging the child-rights and climate-governance regimes that presently run in parallel. The case for it follows directly from the gaps identified above. General Comment No. 26 and the 2024–2025 advisory opinions have supplied the substantive obligations, but no institution is charged with applying them to children specifically. The CRC creates no court, and its Committee cannot enforce its findings; *Sacchi* showed that even a sympathetic treaty body will turn children away on procedural grounds. The UNFCCC process, for its part, names children with increasing frequency yet affords them neither standing nor guaranteed protection.

Such a mechanism need not be built from nothing. It could take the form of a standing body – a Special Representative for Children and Climate, supported by an expert committee – with four core functions. First, it would consolidate the standards now dispersed across General Comment No. 26, the advisory opinions and the COP decisions into a single, child-centred framework against which State conduct can be measured. Second, it would audit the child-responsiveness of nationally determined contributions and national adaptation plans, building on the Expert Dialogue first convened at Bonn in 2024. Third, it would administer an accessible complaints and early-warning procedure that does not founder on the exhaustion and standing barriers that defeated the petitioners in *Sacchi* and the plaintiffs in *Juliana*. Fourth, it would direct a ring-fenced share of adaptation finance toward the services – water, sanitation, health and education – on which children most depend. A framework of this kind would convert the present rhetoric of intergenerational equity into an institution accountable for delivering it, and would give the world’s children what they presently lack: a forum of their own.

Taken together, these strands point to a single conclusion grounded in the evidence assembled here. The doctrinal architecture is now largely in place: the Convention on the Rights of the Child supplies the substantive entitlements and the governing principle of the child’s best interests; General Comment No. 26 translates those rights into the environmental context; and the advisory opinions of the International Court of Justice, the Inter-American Court of Human Rights and the International Tribunal for the Law of the Sea, together with *KlimaSeniorinnen*, confirm that States bear binding, due-diligence obligations owed to present and future generations alike. What the evidence equally shows, however, is a persistent enforcement deficit: *Sacchi* foundered on admissibility and *Juliana* on standing, while successive Conferences of the Parties have named children in their texts without binding themselves to protect them. The decisive variable is therefore no longer normative recognition but institutional design. Equipping children with knowledge, with a genuine voice, and with rehabilitation after disaster addresses the symptoms of the crisis; a dedicated international mechanism for children and climate addresses its cause, by furnishing the accountable forum that the present patchwork of treaty bodies, courts and conference decisions has so far failed to provide. Until such a forum exists, the rights affirmed on paper will continue to outrun the protection delivered in practice, and the youngest and least culpable will continue to bear the heaviest burden of a crisis they did not create.

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References

- Abbass, K., et al. (2022). A review of the global climate change impacts, adaptation, and sustainable mitigation measures. *Environmental Science and Pollution Research*, 29, 42539–42540.
- Adetunji, J. (2023a). Climate change threatens the rights of children. *The Conversation*. <https://shorturl.at/wEOQV>
- Adetunji, J. (2023b). 6 ways children's rights can help create a cleaner, healthier planet for all. *The Conversation*. <https://theconversation.com/6-ways-childrens-rights-can-help-create-a-cleaner-healthier-planet-for-all-216764>
- Agarwal, S. (2023). COP28: Prioritising children in the fight against climate change. *OECD Development Matters*. <https://oecd-development-matters.org/2023/11/27/cop28-prioritising-children-in-the-fight-against-climate-change/>
- Anderson, S. (2023). Children in 98% of African countries at high or extreme risk from climate change – UNICEF. *Health Policy Watch*. <https://healthpolicy-watch.news/children-in-98-of-african-countries-at-high-or-extreme-risk-from-climate-change-unicef/>
- Ashing, I. (2021). *The climate crisis is a child rights crisis*. World Economic Forum. <https://www.weforum.org/agenda/2021/10/climate-change-crisis-child-rights-crisis-save-the-children-cop26/>
- Attiah, K. (2014). Why won't the U.S. ratify the U.N.'s child rights treaty? *The Washington Post*. <https://www.washingtonpost.com/blogs/post-partisan/wp/2014/11/21/why-wont-the-u-s-ratify-the-u-n-s-child-rights-treaty/>
- Barton, J. (2021). *Juliana v United States: Climate change, youth activism, and the law* [Bachelor's thesis, Robert D. Clark Honors College, University of Oregon]. https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/26494/Final_Thesis-BartonJ.pdf
- BBC News. (2024). Greta Thunberg: Who is the climate activist and what has she achieved? <https://www.bbc.com/news/world-europe-49918719>
- Benoit, M. (2016). Human rights in the Paris Agreement. *Climate Law*, 6(1), 109–117.
- Bertram, D. (2023). "For you will (still) be here tomorrow": The many lives of intergenerational equity. *Transnational Environmental Law*, 12(1), 121–149. <https://doi.org/10.1017/S2047102522000395>
- Bote, J. (2019). Greta Thunberg and friends file legal complaint to the UN. *The Sydney Morning Herald*. <https://www.smh.com.au/world/north-america/greta-thunberg-and-friends-target-file-legal-complaint-to-the-un-20190928-p52vvsq.html>
- Braga, A. (n.d.). How do US states measure up to children's rights? *Humanium*. <https://www.humanium.org/en/how-do-us-states-measure-up-to-childrens-rights/>
- Carlarne, C. P. (2022). Climate courage: Remaking environmental law. *Stanford Environmental Law Journal*, 41, 125–142.
- Carrington, D. (2021). A billion children at 'extreme risk' from climate change impacts – UNICEF. *The Guardian*. <https://www.theguardian.com/environment/2021/aug/20/a-billion-children-at-extreme-risk-from-climate-impacts-unicef>
- Climate & Clean Air Coalition. (n.d.). *Norway*. <https://www.ccacoalition.org/partners/norway>
- Centre for International Environmental Law. (2018). *Katowice COP24 outcome incompatible with Paris Agreement*. <https://www.ciel.org/news/katowice-cop24-outcome-incompatible-with-paris-agreement/>
- Centre for International Environmental Law. (2024). *The global coalition for the right to a healthy environment: Making history & protecting our collective future*. <https://www.ciel.org/the-global-coalition-for-the-right-to-a-healthy-environment-makes-history/>
- Child Rights International Network. (2025). *COP30 picks up the pace on inclusion of children, yet should have gone further*. <https://home.crin.org/readlistenwatch/stories/cop30-should-have-gone-further>
- Choudhary, K. (2023). *How is India tackling climate change?* London School of Economics. <https://www.lse.ac.uk/granthaminstitute/explainers/how-is-india-tackling-climate-change/>
- Climate Centre. (n.d.). *Youth*. <http://www.climatecentre.org/site/youth>
- Climate Watch. (n.d.). *Brazil*. <https://www.climatewatchdata.org/countries/BRA>
- Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.
- CRIN. (2023). *Children's rights climate movement statement on COP28 outcomes*. <https://home.crin.org/readlistenwatch/stories/childrens-rights-climate-statement-cop28>
- Cvorak, M., & Villa Alsina, A. (2023). Severe heatwaves engulf the Northern Hemisphere. *The Guardian*. <https://www.theguardian.com/environment/video/2023/jul/21/severe-heatwaves-engulf-the-northern-hemisphere-video-report>
- Deva Prasad, M., & Suchithra Menon, C. (2018). Children's rights and climate-change policy: Addressing the concerns of children and future generations. *Environmental Policy and Law*, 48(3–4), 157–159.
- Dillon, J., et al. (2002). [Article title]. *Australian Journal of Environmental Education*, 18, 81–84.

- Donger, E. (2022). Children and youth in strategic climate litigation: Advancing rights through legal argument and legal mobilization. *Transnational Environmental Law*, 11(2), 263–289. <https://doi.org/10.1017/S2047102522000218>
- The Economist. (2013). *Why won't America ratify the UN convention on children's rights?* <https://rb.gy/et0kv9>
- End Violence Against Children. (2022). *Children's safety in the face of climate change*. <https://www.end-violence.org/articles/childrens-safety-face-climate-change>
- FT Reporters. (2019). Greta Thunberg tells UN leaders 'we will never forgive you': 2019 summit latest. *Financial Times*. <https://www.ft.com/content/b22326f2-db31-11e9-8f9b-77216ebe1f17>
- Gibbons, E. D. (2014). Climate change, children's rights, and the pursuit of intergenerational climate justice. *Health and Human Rights*, 16, 19–25.
- GOAL US. (2022). *Improving hygiene and health in Zimbabwe's schools*. <https://www.goalus.org/stories/improving-hygiene-and-health-in-zimbabwes-schools/>
- Gruksin, S. (2001). A world fit for children: Are the world's leaders being passed on the fast lane? *Children's Health and Children's Rights*, 5, 1–4.
- Harvard T.H. Chan School of Public Health. (n.d.). *Children's health*. C-CHANGE. <https://www.hsph.harvard.edu/c-change/subtopics/climate-change-and-childrens-health/>
- Held v. Montana, 2024 MT 312 (Mont. 2024).
- Helldén, D., et al. (2021). Climate change and child health: A scoping review and an expanded conceptual framework. *The Lancet Planetary Health*, 5(3), 164–168.
- History.com Editors. (n.d.). *Climate change history*. HISTORY. <https://www.history.com/topics/natural-disasters-and-environment/history-of-climate-change>
- Humanium. (2019). *The 30th anniversary of the UN Convention on the Rights of the Child*. <https://www.humanium.org/en/the-30th-anniversary-of-the-un-convention-on-the-rights-of-the-child/>
- Inter-American Court of Human Rights. (2025). *The climate emergency and human rights* (Advisory Opinion OC-32/25, 3 July 2025).
- International Court of Justice. (2025). *Obligations of States in respect of climate change* (Advisory opinion of 23 July 2025). <https://www.icj-cij.org/case/187>
- International Tribunal for the Law of the Sea. (2024). *Request for an advisory opinion submitted by the Commission of Small Island States on Climate Change and International Law* (Advisory opinion of 21 May 2024, Case No. 31).
- Johnstone, S., & Mazo, J. (2013). Global warming and the Arab Spring. In C. E. Werrell & F. Femia (Eds.), *The Arab Spring and climate change* (p. 16). Stimson Center for Climate and Security.
- Jones v. Mississippi, 141 S. Ct. 1307 (2021).
- Juliana v. United States, 947 F.3d 1159 (9th Cir. 2020).
- KlimaSeniorinnen v. Switzerland, App. No. 53600/20 (ECtHR Apr. 9, 2024).
- Lawler, J. (2011). *Children's vulnerability to climate change and disaster impacts in East Asia and the Pacific*. ReliefWeb. <https://reliefweb.int/report/world/childrens-vulnerability-climate-change-and-disaster-impacts-east-asia-and-pacific>
- Lee, N. (2023). Weather tracker: Extreme heat grips Death Valley in California. *The Guardian*. <https://www.theguardian.com/environment/2023/jul/24/weather-tracker-extreme-heat-death-valley-california-heatwave-southern-europe>
- Luce, N. (2022). *Three new federal laws could dramatically reduce greenhouse gas emissions by 2030. Will they deliver?* Vanderbilt Law. <https://law.vanderbilt.edu/three-new-federal-laws-could-dramatically-reduce-greenhouse-gas-emissions-by-2030-will-they-deliver/>
- Lundy, L. (2007). 'Voice' is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33, 927–930.
- Maalla M'jid, N. (2011). *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography* (A/HRC/19/63). UN Human Rights Council.
- MacDonald, K. E. (2006). Sustaining the environmental rights of children: An exploratory critique. *Fordham Environmental Law Review*, 18, 1–33.
- Masahiro, H. (2007). Association between climate variability and hospital visits for non-cholera diarrhoea in Bangladesh: Effects and vulnerable groups. *Journal of Epidemiology*, 36, 1030–1032.
- Mayer, B. (2023). Climate change mitigation as an obligation under customary international law. *Yale Journal of International Law*, 48(1), 105–151.

- McKie, R. (2023). Greece: Thousands evacuated as wildfires ravage Rhodes. *The Guardian*.
<https://www.theguardian.com/weather/2023/jul/22/more-than-1000-people-forced-to-flee-wildfires-on-greek-island-of-rhodes>
- Montgomery, H. (2011). Rumours of child trafficking after natural disasters. *Journal of Children and Media*, 5(4), 395–400.
- Nadin, P. (2019). The United Nations: A history of success and failure. *Australian Quarterly*, 90, 11–15.
- Optional Protocol to the International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.
- Nolan, A. (2024). Children and future generations rights before the courts: The vexed question of definitions. *Transnational Environmental Law*, 13(3), 522–546. <https://doi.org/10.1017/S2047102524000165>
- Pandey, K. (2023). First-of-its-kind UN guidance calls for climate action by States to protect children's rights. *Down To Earth*.
<https://www.downtoearth.org.in/news/climate-change/first-of-its-kind-un-guidance-calls-for-climate-action-by-states-to-protect-children-s-rights-91433>
- Pathak, N. (2023). How climate change harms children's health. *Yale Climate Connections*.
<https://yaleclimateconnections.org/2023/06/how-climate-change-harms-childrens-health/>
- Peel, J., & Osofsky, H. M. (2018). A rights turn in climate change litigation? *Transnational Environmental Law*, 7(1), 37–67.
<https://doi.org/10.1017/S2047102517000292>
- Peleg, N. (2023). Climate change threatens the rights of children. The UN just outlined the obligations states have to protect them. *Down To Earth*. <https://www.downtoearth.org.in/blog/climate-change/climate-change-threatens-the-rights-of-children-the-un-just-outlined-the-obligations-states-have-to-protect-them-91412>
- Plummer, R., & Armstrong, K. (2023). Greece wildfires: 1,200 children evacuated from summer camp as blaze nears. *BBC*.
<https://www.bbc.com/news/world-europe-66226500>
- Pradhan, E. K., et al. (2007). Risk of flood-related mortality in Nepal. *Disasters*, 31, 57–58.
- Rajamani, L. (2010). The increasing currency and relevance of rights-based perspectives in the international negotiations on climate change. *Journal of Environmental Law*, 22(3), 391–400.
- Readfearn, G. (2024). Experts warned El Niño was likely to bring Australia a hot, dry summer. What happened? *The Guardian*.
<https://www.theguardian.com/australia-news/2024/jan/03/experts-warned-el-nino-was-likely-to-bring-australia-a-hot-dry-summer-what-happened>
- Right to Education Initiative. (2023). *CRC General Comment No. 26 on children's rights and the environment, with a special focus on climate change*. <https://www.right-to-education.org/resource/crc-general-comment-no-26-children-s-rights-and-environment-special-focus-climate-change>
- Romeo, N. (2022). How Oslo learned to fight climate change. *The New Yorker*. <https://www.newyorker.com/news/annals-of-a-warming-planet/how-oslo-learned-to-fight-climate-change>
- Ruppel-Schlichting, K. (2013). *Climate change: International law and global governance: Legal responses and global responsibility* (1st ed.). Nomos Verlagsgesellschaft.
- Sacchi et al. v. Argentina et al., U.N. Doc. CRC/C/88/D/104/2019 (Committee on the Rights of the Child, Oct. 11, 2021).
- Save the Children. (n.d.). *Born into the climate crisis*. <https://www.savethechildren.net/born-climate-crisis>
- Save the Children. (2019). *The global climate crisis: A child rights crisis*. <https://resourcecentre.savethechildren.net/document/global-climate-crisis-child-rights-crisis/>
- Save the Children. (2023). *Landmark recognition says inaction on climate crisis is a child rights' violation*.
<https://www.savethechildren.org/us/about-us/media-and-news/2023-press-releases/recognition-says-inaction-on-climate-crisis-is-child-rights-violation>
- Schlein, L. (2017). WHO: Environmental pollution kills 1.7M children under five every year. *VOA News*.
<https://www.voanews.com/a/environmental-pollution-kills-one-point-seven-million-children-under-five-every-year/3751075.html>
- Sheppard, B. (2023). New UN guidance on children's rights and the environment. *Human Rights Watch*.
<https://www.hrw.org/news/2023/09/18/new-un-guidance-childrens-rights-and-environment>
- Shvangiradze, T. (n.d.). History of the United Nations: How was it founded? *The Collector*. <https://www.thecollector.com/united-nations-history-how-it-was-founded/>
- Squires, E., Whiting, L., & Petty, J. (2024). Effects of climate change on the health of children and young people. *Nursing Standard*.
<https://journals.rcni.com/nursing-standard/evidence-and-practice/effects-of-climate-change-on-the-health-of-children-and-young-people-ns.2024.e12308/full>
- Srivastava, D. (2023). Children worried: 'Climate change affects our rights'. *The Indian Express*.
<https://indianexpress.com/article/cities/pune/children-worried-climate-change-affects-our-rights-9037077/>

- TN Viral Desk. (2023). School deploys ‘bullet-proof’ safe room to protect students from shooters, installation gets mixed reactions. *Times Now*. <https://www.timesnownews.com/viral/school-deploys-bullet-proof-safe-room-to-protect-students-from-shooters-installation-gets-mixed-reactions-article-98681443>
- UNICEF. (n.d.). *Convention on the Rights of the Child*. <https://www.unicef.org/child-rights-convention>
- UNICEF. (2013). *Committing to child survival: A promise renewed (Progress report 2013)*. <https://www.unicef.org/reports/committing-child-survival-promise-renewed>
- UNICEF. (2015). *Unless we act now: The impact of climate change on children*. UNICEF Office of Research. <https://www.unicef.org/reports/unless-we-act-now-impact-climate-change-children>
- UNICEF. (2023a). *The climate-changed child: A children’s climate risk index supplement*. UNICEF.
- UNICEF. (2023b). *UN Committee on the Rights of the Child calls on states to take action in first guidance on children’s rights and the environment, with a focus on climate change*. UNICEF Europe & Central Asia. <https://www.unicef.org/eca/press-releases/un-committee-rights-child-calls-states-take-action-first-guidance-childrens-rights>
- UNICEF. (2024). *Media advisory: UNICEF at COP29*. <https://www.unicef.org/press-releases/media-advisory-unicef-cop29>
- United Nations. (2002). A world fit for children (A/RES/S-27/2). *Refugee Survey Quarterly*, 23, 225–230.
- United Nations Framework Convention on Climate Change. (2024). *Outcomes of the Baku Climate Change Conference (COP29)*. <https://unfccc.int/cop29/auvs>
- UN News. (2023). New UN guidance affirms children’s right to a clean, healthy environment. *The Manila Times*. <https://www.manilatimes.net/2023/08/28/world/un-news/new-un-guidance-affirms-childrens-right-to-a-clean-healthy-environment/1907526>
- U.S. Environmental Protection Agency. (n.d.). *Climate change and children’s health*. <https://www.epa.gov/climateimpacts/climate-change-and-childrens-health>
- World Economic Forum. (2023). *India holds the key to hitting global climate change targets. Here’s why*. <https://www.weforum.org/agenda/2023/01/india-holds-the-key-to-hitting-global-climate-change-targets-here-s-why/>
- Wright, C. (2007). UNICEF education strategy 2006–2015. *Forced Migration Review*. <https://www.fmreview.org/education/wright>
- World Weather Attribution. (2023). *Extreme heat in North America, Europe and China in July 2023 made much more likely by climate change*. <https://www.worldweatherattribution.org/extreme-heat-in-north-america-europe-and-china-in-july-2023-made-much-more-likely-by-climate-change/>
- Zumbish. (2023). Nearly a billion children globally exposed to extremely high water stress: UNICEF report. *Down To Earth*. <https://www.downtoearth.org.in/news/climate-change/nearly-a-billion-children-globally-exposed-to-extremely-high-water-stress-unicef-report-92827>

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Article

Understanding the Anomalies of Reproductive Rights of Incarcerated Women under the Jurisprudence of Human Rights

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Abstract

The Supreme Court in the case of *In Re: Inhuman conditions in 1382 Prisons* took the suo moto cognizance on the issue of increasing number of pregnancies in the women prison across the country. The right to reproductive choice is fundamental human right, and protecting the dignity of incarcerated women in the eye of law has now become urgent. Women face discrimination and barriers in accessing adequate health-care services due to their gender. Women in prison setting often have greater primary health-care needs in comparison to men. Globally, health care in prisons circumscribe children living with their mothers, as well as the medical care of pregnant women and nursing mothers, with which most prisons are not equipped to cope. The guidelines and legislative rules and regulations set up by judiciary and legislations are not fulfilling the minimum standard of human rights like psychological health care need for women prisoners.

Keywords: Women, Prison, Prisoners, Health, Reproductive, Human Rights

I. Introduction

treat women and men differently in all spheres of life (Ikemoto, n.d.). Social norms and values had deep engrained belief about women's sexuality and they are considered to be the frequently cause of violations of women's sexual and reproductive health and rights. Because of patriarchal ideas about women's role in the home, women are frequently regarded as valuable only for their capacity to procreate. Tracing the history of women's reproductive rights, a conservative approach can be seen in work of Plato's *The Republic* where he suggest that reproduction of human species is the primary function of woman and there is no place for individual pleasure, desire or sexual identities. His views on gender reflects the more traditional views that was prevalent in ancient Greek society (kamal, 2025). If we go by the religious text, there are different hypotheses that is believed to shape individuals' sexual and reproductive health and health-related behaviors. The Quran does not explicitly use the modern term "reproductive rights", but it does address aspects related to women's roles, choices, and dignity in matters of marriage, childbirth, breastfeeding, and family planning. Similarly, the religious Hindu text doesn't specifically

use the term ‘reproductive choice/rights’ but certainly the discussion revolves around fertility, motherhood, sexual ethics, contraception, abortion, and bodily autonomy, often within the framework of dharma (duty), artha (prosperity), kama (desire), and moksha (liberation). The Table 1.1 gives a clear picture of woman autonomy in Hindu religious text:

Table 1.1 Traditional Textual Aspect

Aspect	Traditional Textual View	Textual Source
Motherhood	Revered and celebrated, but not always seen as compulsory	Rig Veda 10.85.37: <i>“Be the mother of heroic children, offer your husband sexual pleasure, and be the queen in your husband’s home.”</i> → This verse honors motherhood but also recognizes a woman’s broader role. Also, Mahabharata, <i>Shanti Parva</i> , discusses the value of women beyond reproduction.
Contraception	Mentioned and accepted in Ayurvedic texts	Charaka Samhita (circa 2nd century BCE): Mentions herbal methods and coital timing to prevent conception. Example: Use of pippali (long pepper), and ghee-based formulations to induce temporary infertility. → Shows a pragmatic view on fertility control.
Abortion	Generally discouraged, but not absolutely condemned; context matters	Atharva Veda 6.113.2: <i>“Let the embryo be able to live; do not hurt the pregnant one in her womb.”</i> Manusmriti 8.279: Lists abortion among acts that are sinful, but the punishment is less severe than for murder, implying a graded ethical stance.
Alternative reproduction	Recognized (e.g., niyoga, surrogate-like births)	Mahabharata, Adi Parva: Describes niyoga, where widows or infertile wives bear children through another man (e.g., Vyasa fathering Dhritarashtra, Pandu, Vidura). Gandhari’s delivery: Mass of flesh is divided into jars to grow 100 sons—an early mythic surrogate/bioengineering motif.
Sexual autonomy	Acknowledged in texts like the Kama Sutra and some epics	Kama Sutra by Vatsyayana , Chapters 2 & 5: Discuss women’s sexual preferences, choice of partners, and mutual consent in intercourse. Mahabharata (e.g., stories of Draupadi, Kunti, and Satyawati): Women often act with agency in sexual and reproductive decisions.

The rhetoric deployed in the different facets of reproductive rights and justice have often obscured the role feminist legal theory that has played in the development of positions on all sides. feminist legal theory explicates the role of reproductive and sexual regulation as a form of social control that perpetuates patriarchy (Ikemoto, n.d.). The ferocity of the abortion wars rage so fiercely that we rarely notice how particular feminist theories have shaped the very question of providing analyses and informed strategies in the shifting, expanding struggle for reproductive rights and justice. Thus, the argument that women have a right to decide whether to have an abortion is not simply a feminist claim, but one shaped by specific feminist theories, primarily liberal feminism. Meanwhile, other perspective include prominently, the critical race theory that have framed the issue differently and have put additional vital issues like surrogacy, coerced sterilization,

welfare family caps and criminalization of pregnant women into our understanding of reproductive justice (Ikemoto, n.d.).

The concept of reproductive rights is bound up with Reproductive health, wellness well being, human rights, and feminist legal theory; Reproductive justice is a hybrid of social justice and reproductive rights: safe and healthy environment for women and children, cultural references, more effort on migrants and refugees, disadvantaged women, adolescents (sexual and reproductive health). Sexual and reproductive health is the state of being physically, mentally, and socially well in all aspects pertaining to the reproductive system. The goal is to provide people with safe and satisfying sexual experiences, to allow them to carry healthy pregnancies and births, and to allow them to decide when, how, and if they should have children (World Health Organization, 2024).

Sexual and reproductive health encompasses a wide range of services that include contraception, fertility and infertility care, maternal and perinatal health, prevention and treatment of sexually transmitted infections (STIs), protection from sexual and gender-based violence, and education about safe and healthy relationships. It is a human right to have access to sexual and reproductive health services throughout one's lifetime, as part of universal health coverage. In addition to improving health outcomes, this also contributes to greater equality for women and wider development. Recurrent pregnancies spaced too closely apart or early marriage and pregnancy, which are frequent result of attempts to have male children, which can have a fatal effect on women's health. Additionally, women are frequently held responsible for infertility, which leads to their exclusion and abuse of human rights (United Nations, 2023). Simultaneously, Women's sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination (United Nations, 2023). The state is under obligation to provide adequate facilities and good health to women without any discrimination.

II. Reproductive Rights are Human Rights

There is reciprocity between larger human rights framework and women's reproductive rights Reproductive rights are grounded in a range of fundamental human rights, protected in both foundational human rights instruments as well as international and regional human rights treaties (UNESCO, n.d.). Together, they form a constructive dialogue about the meaning of human rights, revealing the impact of policies and law upon the women. Not only women, all individuals have reproductive rights which are grounded in constellation of fundamental human rights instruments and treaties. A series of documents adopted at UN Conferences most notably 1994 conference that have explicitly linked governments obligation to uphold reproductive rights under international treaties (Center for Reproductive Rights, 2009).

As the United Nations 1994 International Conference on Population and Development (ICPD) explains:

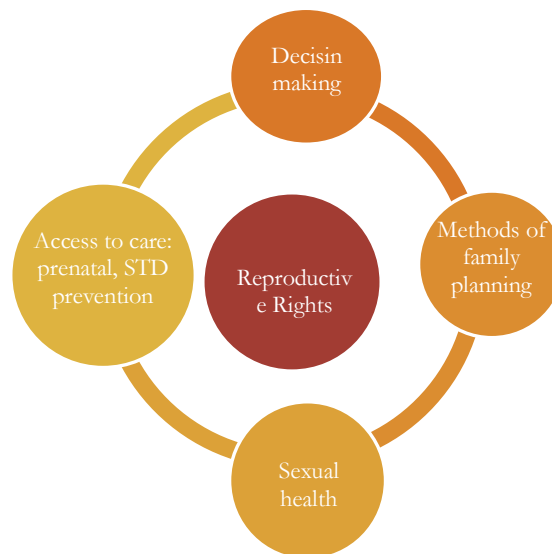
"Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence" (UN, Department of Economic and Social Affairs, 1994)

Further, ICPD Programme of Action in Principle 8 enunciates that with reproductive rights every individual has access to health-care services, including those related to reproductive health care. in Reproductive health encompasses a state of complete physical, social and mental well-being. Where a person can have sexual content and free to reproduce. The

person should access to adequate health-care services while going for best reproductive choices.

The ICPD Programme of Action defines reproductive health as

“A state of complete physical, mental and social well-being and not merely



the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for the regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant” (UN, Department of Economic and Social Affairs, 1994.

Figure 1: Reproductive Rights

Human rights treaties now and then recommend that governments should take action to ensure sexual and reproductive choice for women. Building upon these developments there are two new instruments that recognize women’s reproduce rights explicitly: I) Disability Rights Convention, and II) Protocol on the Rights of Women in Africa (at regional level) (African Union, 2003), these two instruments expressly articulates the right to reproduction and sexual health as human rights and women’s right to control fertility(African Union, 2003).

Twelve Human Rights Key to Reproductive Rights

Reproductive rights are closely related to reproductive health and are derived from well-established human rights protections. They are also necessary for the fulfillment of numerous other fundamental rights. The following rights, in particular, cannot be safeguarded unless women and adolescents are able to control their bodies and sexuality, decide when and whether to have children, obtain necessary sexual and reproductive health information and services, and lead violence-free lives (Ikemoto, n.d.).

1. The Right to Equality and Non-Discrimination
2. The Right to Life
3. The Right to Health

4. The Right to Liberty and Security of the Person
5. The Right to Privacy
6. The Rights to Education and Information
7. The Right to Consent to Marriage and Equality in Marriage
8. The Right to Decide the Number and Spacing of Children
9. The Right to be Free from Practices that Harm Women and Girls
10. The Right to be Free from Torture, Cruel, Inhuman, or Degrading Treatment or Punishment
11. The Right to be Free from Sexual and Gender-Based Violence
12. The Right to Enjoy the Benefits of Scientific Progress

III. Incarcerated Women and their Reproductive Rights

The availability of reproductive services for incarcerated people is variable and often limited. Incarcerated women have higher rates of substance use disorder, mental illness, trauma and chronic disease as to general public (Rajagopal et al., 2022). The Apex Court of India had taken suo motu cognizance of the alarming number of pregnancies occurring among women inmates in prisons across the country. This issue came up after a significant plea was filed in Calcutta high court regarding the trend of women prisoners becoming pregnant while in prison across Bengal. The Court ordered establishment of district-level committees tasked with evaluating the existing infrastructure in jails and determining the need for additional facilities following the Model Prison Manual of 2016 (*Re-Inhuman Conditions In 1382 Prisons v. Director General of Prisons and Correctional Services and Ors.*, n.d.).

Women are a small minority of the prison, but a minority that is growing at a disproportionate rate their needs, and their rights are frequently not fulfilled by prison regimes that are designed predominantly for male prisoners. Imprisonment impacts on women differently than on men. The following are some of the key areas of concern of incarcerated women:

1. Problem with accommodation.
2. Inappropriate/inadequate staff
3. Lack of family contact and support
4. Lack of education and work programmes.
5. Inadequate healthcare.
6. History of mental, physical or sexual abuse.
7. The adverse impact of imprisonment of mother on their children.
8. Disproportionate representation of indigenous women and foreign women

Since 1950s, social scientist have studied prisoners life in prison in detail and it is being established that whether prisoner is reformed, rehabilitated, becomes hardened criminal or remains neutral, it is dependent on the specific nature of prisoner's participation in the prison culture (Sutherland & Cressey, 1992, p. 524). Women prisoner (convicted or under trial) face dual vulnerability, first being the weaker section of the society and secondly being imprisoned. In 2020, there were only 29 Women Jails, only in 14 States (National Crime Records Bureau, 2020), at present, there are total 34 jails in 16 States and U.Ts. specially for women in India with total capacity of 7080 (National Crime Records Bureau, 2022). There is a slow increase in capacity for women prisoners and some States and UTs still lack behind in developing separate accommodation for women.

Throughout the world, women prisoners constitute less than 10% of the total prison population due to which they are considered as 'minority' (Enggist et al., 2014). But since the year 2000, the women prison population has increased by 168%, which illustrates the severity of the situation (Ganesan, 2025). Globally, the female prison population rate is 9.9 per 100,000 of the general population (Ganesan, 2025). India is ranked sixth in the world in female prison population (Fair & Walmsley, 2021). In terms of the crimes committed by

women in India, there has been an increase in female prison population in the past few years as reported by the N.C.R.B. report of 2020 (NCRB, 2020), 2021(NCRB, 2021), 2022(NCRB, 2022), 2023(NCRB, 2023), and 2024(NCRB, 2024).

Year	Total Number of Prisons	Actual Capacity	Male	Female	Transgender	Total Prison Population	Occupancy rate
2020	1,306	4,14,033	4,68,395	20,046	70	4,88,511	118.0%
2021	1,319	4,25,609	5,31,025	22,918	91	5,54,034	130.2%
2022	1,330	4,36,266	5,49,351	23,772	97	5,73,220	131.4%
2023	1332	4,39,119	5,08,715	21,510	108	5,30,333	120.8%
2024	1333	4,53,769	4,90,237	21,183	122	5,11,542	112.7%

Table 2: Prison Statistics of past years (Source: N.C.R.B.)

From 2020 to 2024, the data collected from the Prison Statistics India (N.C.R.B. Report) shows a slow but persistent increase in the female prison population in India. With 20,046 female prison population in 2020 (NCRB, 2020) to 21,183 in 2024(NCRB, 2023). Women in institutional settings, such as those who are incarcerated or receiving treatment in healthcare facilities, are vulnerable to human rights violations by prison staff and medical personnel that are in a position of authority and exert significant control over women in such settings. In prisons, pregnant women may be shackled during medical care during labor, delivery, and the recovery period after delivery, despite armed guards being present(The Rebecca Project for Human Rights, 2010). Health facilities may also violate women's reproductive rights by involuntary sterilization and by denying them sexual or reproductive health services such as prenatal diagnostics, abortions, and post-abortion care.

In the case of *Sunil Batra v. The Delhi Administration* had observed that a prisoner's fundamental rights "do not part company with the prisoner at the gates" (*Sunil Batra v. The Delhi Administration*, 2013). The Court has upheld this strategy and protected inmates' fundamental rights in a number of rulings over the years. The reproductive rights of prisoners in prison have also gained attention during the past ten years. The Courts have heard arguments on a variety of topics pertaining to prisoners' reproductive rights. Cases involving: • Medical Termination of Pregnancy During Incarceration • Special Provisions for Pregnant Women in Prisons • Right to Procreation and Conjugal Visits are covered in this section(Chandra et al., 2019).

Regarding the treatment of pregnant inmates in correctional facilities, the Supreme Court in *R. D. Upadhyay v. State of Andhra Pradesh*, (2006) released guidelines. Pregnancy-related medical facilities for inmates, the nutritional requirements of expectant mothers and their offspring, childbirth procedures (noting that the woman should, to the greatest extent

feasible, be released on bail so that she can give birth outside of prison), and the custody of children in prison are all covered by the guidelines.

In *D.B.M. Patnaik v. State of Andhra Pradesh*, (1974) The Supreme stated that:

“Convicts are not denuded of all the fundamental rights which they otherwise possess by reason of the conviction. A compulsion under the authority of law, following upon a conviction, to live in prison entails by its force the deprivation of fundamental freedoms like the right to move freely throughout the territory of India or the right to practice a profession. A man of profession would thus be stripped of his right to hold consultation while serving his sentence. But the Constitution guarantees other freedoms like the right to acquire, hold, and dispose of property for the exercise of which incarceration can be no impediment. Likewise, even a convict is entitled to the precious right guaranteed by article 21 of the Constitution that he shall not be deprived of his life and personal liberty except according to procedure established by law.”

Inmates have been approaching courts in recent years to request that their conjugal rights be recognized and upheld. *Jasvir Singh v. State of Punjab* (2014) is one example of this. A couple petitioned the Punjab and Haryana High Court seeking to have their right to conjugal rights upheld. The husband received a death sentence, while the wife received a life sentence in prison. The right to procreate and to visit one's spouse are part of the right to live with dignity, which is a part of the right to life protected by Article 21 of the Indian Constitution, the Court ruled, citing international human rights standards as well. It ruled that incarceration does not affect the right to procreate. The right to procreation or conjugal visits, and consequently the right to artificial insemination, are subject to reasonable restrictions, it was pointed out. Limitations could therefore be imposed in line with “procedure established by law”. The Court gave the State of Punjab instructions to form jail reforms committee with mandate to formulate a scheme for conjugal visits for prisoners. In *Mrs. Meharaj vs. The State & Ors.* (2019), The petitioner, Mrs. Meharaj, filed a habeas corpus petition under Article 226 seeking six weeks of leave for her husband who was serving a life sentence for infertility treatment, having already secured two weeks earlier. The Madras High Court (Full Bench) held that: Conjugal relations for a specific purpose, such as infertility treatment, may amount to the denial of a fundamental right under Article 21 if unjustifiably denied. However, conjugal rights are *not* a fundamental right to be exercised routinely. Granting such leave without extra-ordinary justification would blur the line between law-abiding citizens and convicts. The Court clarified that: Rule 20(vii) of the 1982 Rules allows leave in cases of “extraordinary reasons,” and infertility treatment qualifies as such. Absent such extraordinary reasons, conjugal leave cannot be claimed as of right. The Court directed authorities to consider the petitioner's request in the light of this judgment specifically as an “extraordinary reason” ensuring procedural compliance and fairness.

In the case of the High Court on *Its Own Motion v. State of Maharashtra* (2021), the Court noted that pregnant women constitute a similar group that includes incarcerated women and they enjoy the fundamental right to make reproductive decisions, including aborting their pregnancies if they so choose under Art. 21 of the Constitution. Further, the Court ordered that women prisoners of child bearing age be administered a urine pregnancy test upon admittance to the facility. If the test result are positive, the physician in charge is to tell her of her right to abort the pregnancy as per the MTP Act. The court rules that as soon as a pregnant woman in prison expresses a desire to terminate her pregnancy, she ought to be promptly transferred to a hospital, and all aid should be offered to terminate her pregnancy. It acknowledged that a woman's choice to abort her pregnancy is not impulsive but rather one that has been “carefully considered” by the women. In addition,

it acknowledged the requirement to broaden the scope of the MTP Act Explanation 2 to Section 3 so that it applies to married couples and any pair living together as if they were married. The High Court concluded that the human right to live with dignity as guaranteed under art 21 is the source of a woman's right to decide for herself to abort or to keep her child and have her decision derived from that right. In addition, the Court stated, concerning international human rights legislation, that human rights are only bestowed upon a person at the time of their birth and that a fetus that has not yet been born does not have human rights. The court acknowledged woman's bodily autonomy and the fact that she is the one whose rights take precedence in determining whether or not to have children and whether or not to continue carrying a pregnancy to term or to have it terminated.

An undertrial woman prisoner named Hallo Bi lodged a writ petition before the Madhya Pradesh High Court in the *Hallo Bi v. State of Madhya Pradesh case*, (2013), seeking high court to terminate her pregnancy. She claimed that her pregnancy resulted from her being coerced into sexual activity. However, the MTP Act does not call for judicial authorization under any circumstance, the request made by Hallo Bi for an abortion was sent to the Chief Judicial Magistrate by the jail authorities. The Chief Judicial Magistrate declined to grant the request. The writ petition was consequently submitted as a result. The decision of the High Court to allow the woman to terminate her pregnancy was based on the judgment of the apex court in the case of *Suchita Srivastava v. Chandigarh Administration*, (2009). In which the Supreme Court had determined that a woman's right to make decisions regarding her reproductive health is a essential of personal autonomy guaranteed by Article 21 of the Indian Constitution. The High Court considered that decision to allow the woman to terminate her pregnancy. The Court determined that "forced prostitution" was equivalent to rape, and as such, it was included as one of the elements that must be met per Section 3 of the MTP Act to have a pregnancy terminated (Paul, 2023).

IV. Related Human Rights Jurisprudence

In order to safeguard sexual and reproductive health rights, the Indian government has pledged to uphold its commitments under numerous international human rights accords. These include the Convention on the Rights of the Child (CRC, 1989.), the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966). All branches of government, including the judiciary, are required by international law to enforce the rules and regulations specified in these treaties. With the exception of those restrictions that are clearly required by the reality of incarceration, the United Nations has repeatedly reaffirmed that people who are detained maintain their basic rights as outlined in human rights treaties. The Supreme Court has held in light of the obligation to "foster respect for international law" in Article 51 (c) of the Indian Constitution "any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into fundamental rights to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee" (The Constitution of India, 1950).

International and Indian Regional Standards

International Covenant on Civil and Political Rights: According to the International Covenant on Civil and Political Rights, "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person," "the death penalty shall not be carried out on pregnant women," "the fundamental aim" of the penitentiary system shall be the "reformation and social rehabilitation" of prisoners, and "the right to life, freedom from torture and ill treatment, marriage, family formation,

and non-discrimination.”(International Covenant on Civil and Political Rights, United Nations, 1966).

International Covenant on Economic Social and Cultural Rights: Protecting the right to non-discrimination and equality to family members of women, and ‘special protection’ for women for a “reasonable period” before and after childbirth, and guaranteeing the right to the highest attainable standard of physical and mental health without discrimination (International Covenant on Civil and Political Rights, United Nations, 1979).

Convention on the Elimination of All forms of Discrimination Against Women:

CEDAW outlines the women’s right to family planning information, and have right to “decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights”(Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, 1979)

Committee for Economic Social and Cultural Rights (CESCR), General Comment No. 22

(2016) on the right to sexual and reproductive health: General Comment No. 22 (2016) of the CESCR states that “Prisoners and others with additional vulnerability by condition of their detention or legal status the State is required to take particular steps to ensure their access to sexual and reproductive information, goods, and health care,” as well as the State’s duties to efficiently monitor and regulate certain sectors related to sexual and reproductive health(OHCHR | *General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)*, n.d.).

Committee for Economic Social and Cultural Rights (CESCR), General Comment No. 14:

According to Article 12 of the Right to the Highest Attainable Standard of Health, states are prohibited from discriminating against women’s health and needs, including those of female inmates and detainees, by, for example, “refrain[ing] from limiting access to contraceptives and other means of maintaining sexual and reproductive health, and from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information” (ohchr, 2000).

It had also been discussed in the Puttaswamy judgment of the Supreme Court Justice (K.S. Puttaswamy (Retd.) v. Union of India, 2017). The Hon’ble court had held that liberty of procreation and choice of family life are an intrinsic aspect of the fundamental right to privacy. It was articulated by then CJI “Privacy includes as its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy connotes a right to be left alone.” This becomes a precedent for many fundamental judgements on reproductive rights(Bakshi, 2024). The Medical Termination of Pregnancy Act, 1971 was finally amended in 2021 for expanding base of beneficiaries to provide safe abortion services. The Medical Termination of Pregnancy (Amendment) Act, 2021 is an extremely prospective step. The Act allows a pregnancy to be terminated up to 20 weeks by a married woman in the case of failure of contraceptive method or device. It now also allows unmarried women to also terminate a pregnancy for this reason. The Act also increases the upper gestation limit from 20 to 24 weeks for special categories of women, including survivors of rape, victims of incest and other vulnerable women (differently abled women, minors, among others)(The Medical Termination of Pregnancy (MTP) Amendment Act, 2021). The Act now expands the access to safe and legal abortion services on therapeutic, eugenic, humanitarian and social grounds to ensure universal access to comprehensive care.

Conclusion

In well-established reproductive health organizations, cultural or racial/ethnic diversity remains a problem. The efforts of many of these organizations to diversify and have women of color in leadership roles have been limited over the years. The focus of many

has been on board representation. There is still a lack of diversity on the professional staff level, where programmatic focus, strategic planning, evaluation, and networks are concentrated. The lack of diversity within these organizations can lead to a narrow perspective that fails to address the unique reproductive rights and needs of marginalized groups, including women prisoners in India. At this point of time, only legislative amendments may not be sufficient but along with that, many other aspects need to be considered like awareness, availability, accessibility, affordability of quality MTP services, and contraceptives. Without inclusive leadership and representation, policies may overlook critical issues faced by these women, such as access to healthcare, legal support, and humane treatment. It is essential for reproductive health organizations to prioritize genuine diversity and inclusion to effectively advocate for the reproductive rights of all women.

References

- African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa | African Union. Au.int. Retrieved March 12, 2025, <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>
- Bakshi, G. K. (2024, November 10). Justice DY Chandrachud's Judgments On Socio-Economic Justice, Gender Equality, Reproductive Rights, Child ... Livelaw.in; Live Law. Retrieved March 12, 2025, from <https://www.livelaw.in/top-stories/justice-dy-chandrachuds-judgments-on-socio-economic-justice-gender-equality-reproductive-rights-child-welfare-disability-rights-274783>
- Center for Reproductive Rights. (2009). Reproductive rights are Human Rights. Center for Reproductive Rights. Retrieved March 12, 2025, from <http://www.reproductiverights.org>
- Chandra, A., Satish, M., & the Center for Reproductive Rights. (2019). Securing Reproductive Justice in India: A Casebook" Centre for reproductive Rights. Centre for Constitutional Law, Policy and Governance.
- Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, art. 10(h), 12(1), 14(2)-(b), 16(e) (1979)
- D.B.M. Patnaik v. State of Andhra Pradesh,(1974)
- Doniger, W. (1991). The Laws of Manu. Penguin Classics.
- Doniger, Wendy, & Kakar, Sudhir. (2002). Vatsyayana Kamasutra, Oxford University Press.
- Enggist, S., Organisation Mondiale De La Santé. Bureau Régional De L'europe, & Al, E. (2014). Prisons and health. Who Regional Office For Europe.
- Fair, H., & Walmsley, R. (2021). World Female Imprisonment List (5th ed.). World Prison Brief .
- Ganesan, S. (2025, December 31). Women inmate count rising fast; prisons aren't ready for them. The Times of India; The Times Of India. Retrieved March 12, 2025, from <https://timesofindia.indiatimes.com/city/mumbai/women-inmate-count-rising-fast-prisons-arent-ready-for-them/articleshow/126264138.cms>
- Hallo Bi v. State of Madhya Pradesh case, (2013)
- Ikemoto, L. C. (n.d.). Reproductive Rights and Justice: A Multiple Feminist Theories Account. In and C. Bowman (Ed.), Research Handbook on Feminist Jurisprudence . Elgar Press, Forthcoming. Retrieved March 12, 2025, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3244865
- International Covenant on Civil and Political Rights, United Nations, art. 2, 3, 10, 12 (1979).
- International Covenant on Civil and Political Rights, United Nations, art. 2, 3, 6(5), 7, 10, 23(1)(2), 26 (1966)
- Jasvir Singh v. State of Punjab, (2014)
- Justice K.S. Puttaswamy (Retd.) v. Union of India ('Puttaswamy, (2017)
- kamal, A. (2025, March). Feminist Legal Theory and Reproductive Rights. Virtuosity Legal. Retrieved March 12, 2025, from <https://virtuositylegal.com/feminist-legal-theory-and-reproductive-rights/>
- Mrs. Meharaj vs. The State & Ors.,(2019)
- National Crime Records Bureau. (2020). Prison Statistics India 2020. In National Crime Records Bureau. Ministry of Home Affairs 2020.
- National Crime Records Bureau. (2021). Prison Statistics India 2021. In National Crime Records Bureau. Ministry of Home Affairs 2021.

- National Crime Records Bureau. (2022). Prison Statistics India 2022. In National Crime Records Bureau. Ministry of Home Affairs 2022
- National Crime Records Bureau. (2023). Prison Statistics India 2023. In National Crime Records Bureau. Ministry of Home Affairs 2023
- National Crime Records Bureau. (2024). Prison Statistics India 2024. In National Crime Records Bureau. Ministry of Home Affairs 2024.
- ohchr. (2000). CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12). Retrieved March 12, 2025, from <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Health/GC14.pdf>
- OHCHR. General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights). (n.d.). OHCHR. Retrieved March 12, 2025, from <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-22-2016-right-sexual-and>
- Own Motion v. State of Maharashtra (2021)
- Paul, S. (2023). PROTECTION OF HEALTH OF WOMEN PRISONERS IN INDIA: IS IT A DISTANT DREAM?. International Journal of Advanced Legal Research, 4(1). Retrieved March 12, 2025, from <https://ijalr.in/volume-4-issue-1/protection-of-health-of-women-prisoners-in-india-is-it-a-distant-dream-shubhankar-paul/>
- R. D. Upadhyay v. State of Andhra Pradesh, (2006).
- Rajagopal, K., Landis-Lewis, D., Haven, K., & Sufrin, C. (2022). Reproductive Health Care for Incarcerated People: Advancing Health Equity in Unequitable Settings. Clinical Obstetrics & Gynecology, Publish Ahead of Print. Retrieved March 12, 2025, from <https://doi.org/10.1097/grf.0000000000000746>
- Re-Inhuman Conditions In 1382 Prisons v. Director General of Prisons and Correctional Services and Ors., Sharma, P. V. (1981). Charaka Saṃhitā: A Text with English Translation, Chaukhambha Orientalia.,
- Suchita Srivastava v. Chandigarh Administration, (2009)
- Sunil Batra v. The Delhi Administration, (2013).
- Sutherland, E. H., & Cressey, D. R. (1992). Principles of criminology (11th ed.). Universal Law Publishing Co.
- The Constitution of India, art. 51(c) (1950).
- The Medical Termination of Pregnancy (MTP) Amendment Act, sec. 3 (2021)
- The Rebecca Project for Human Rights. (2010). Mothers Behind Bars: A state-by-state report card and analysis of federal policies on conditions of confinement for pregnant and parenting women and the effect on their children. The National Women's Law Center.
- UN General Assembly. (1966). International Covenant on Civil and Political Rights, (United Nations, Treaty Series, vol. 999, p. 171) United Nation, Retrieved March 12, 2025, from <https://www.refworld.org/legal/agreements/unga/1966/en/17703>
- UN General Assembly. (1966). International Covenant on Economic, Social and Cultural Rights, (United Nations, Treaty Series, vol. 993, p. 3) United Nations, Retrieved March 12, 2025, from <https://www.refworld.org/legal/agreements/unga/1966/en/33423>
- UN General Assembly. (1979). Convention on the elimination of all forms of discrimination against women (United Nations Treaty Series, Vol. 1249, p. 13). United Nations.
- UN General Assembly. (1989) Convention on the Rights of the Child. (1989.). Refworld. Retrieved March 12, 2025, from <https://www.refworld.org/legal/agreements/unga/1989/en/18815>
- UN, Department of Economic and Social Affairs. (1994). Programme of Action of the International Conference on Population and Development. In the United Nations. UN, Department of Economic and Social Affairs. Retrieved March 12, 2025, from https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf
- UNESCO, n.d. Reproductive rights: a tool for monitoring state obligations. UNESCO, Health and Education Resource Centre ; Center for Reproductive Rights UNFPA. Retrieved March 12, 2025, from <https://healtheducationresources.unesco.org/library/documents/reproductive-rights-tool-monitoring-state-obligations>
- United Nations. (2023). Sexual and reproductive health and rights. OHCHR. Retrieved March 12, 2025, from, <https://www.ohchr.org/en/women/sexual-and-reproductive-health-and-rights>
- W. Jamison, S., & P. Brereton, J. (2014). The Rigveda: The Earliest Religious Poetry of India. Harvard University Press.
- World Health Organization. (2024). Sexual and reproductive health and rights. Retrieved March 12, 2025, from [www.who.int](https://www.who.int/health-topics/sexual-and-reproductive-health-and-rights#tab=tab_1)
- Wujastyk, D. (2003). The Roots of Ayurveda. Penguin Books.

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Article

Compliance Bureaucracy and the Hidden "Survival Tax" of Women of Color Faculty in Academia

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Abstract

This study exposes how compliance bureaucracy and metricized pipelines in higher education systematically marginalize Women of Color faculty. Triangulating qualitative narrative inquiry with professional artifacts (CVs and NIH portfolios), we dissect the institutional trauma and survival of eight multi-generational minoritized female scholars. Findings conceptualize a "Hidden Survival Tax," exposing four predatory mechanisms: forced Anglo-conformity, uncredited emotional extraction, lateral friction, and intersectional motherhood penalties causing forced scientific attrition. Conversely, we document how these scholars deploy tactical micro-political agency to subvert this compliance machine, demanding critical policy interventions to transition university governance from extractive auditing toward an authentic epistemology of care.

Keywords: compliance bureaucracy, institutional extraction, women of color faculty, intersectional motherhood penalty, micro-political agency, higher education governance

1. Introduction

In the contemporary era of globalized and corporatized higher education, American academia has experienced a systemic structural transition from a normative focus on identities-based equity programs to a formalized framework of institutional governance centered on marketized auditing and standardized performance metrics. Driven by recent legislative mandates, the strategic reorientation away from previous Diversity, Equity, and Inclusion (DEI) mandates is structurally conceptualized by policy orchestrators as a systemic mechanism to restore absolute meritocracy, ensuring that academic progression, tenure evaluations, and resource allocations are governed exclusively by objective merit and open competition. In response to these legal mandates, universities have systematically institutionalized standardized, compliance-driven frameworks designed to enforce this merit-based parity. However, this administrative focus on procedural conformity has simultaneously altered the operational dynamics of faculty evaluation. The contemporary academic evaluation infrastructure—epitomized by the metricized tenure and promotion pipeline—is predicated upon the organizational construct of the 'unencumbered scholar': an individual faculty member structurally assumed to operate with negligible cultural adaptation costs, minimal non-academic caregiving dependencies, and unconditional temporal availability.

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This systemic blindspot inflicts a disproportionate toll on female faculty from marginalized racial backgrounds, commonly conceptualized as Women of Color (WOC). While institutions frequently capitalize on the presence of WOC faculty for symbolic diversity optics and essentialist service representation, the actual institutional landscape forces these scholars to systematically pay a hidden, uncompensated price to maintain their vocational viability. We conceptualize this structural extortion as the "Hidden Survival Tax." This survival tax is manifested in multiple dimensions: the erasure of cultural identity under compulsory assimilation, the heavy extraction of uncredited emotional labor via relational mentoring, and the lateral systemic friction generated within marginalized spaces themselves. Within this compliance machine, WOC scholars find themselves trapped in a zero-sum bind—either exhausting their personal health, temporal autonomy, and domestic stability to fulfill the metrics of an indifferent evaluation machine, or facing structural marginalization and eventual attrition from the academy.

While existing higher education scholarship has documented the qualitative vulnerabilities and intersectional microaggressions faced by minority faculty, it frequently succumbs to a deficit narrative or a romanticized celebration of individualized "resilience." Such framing effectively depoliticizes the critique, framing structural failure as an individual psychological adaptation problem. This study reframes the discourse by interrogating how compliance bureaucracy actively converts institutional survival into a privatized commodity. Utilizing a rigorous narrative inquiry and data triangulation—integrating the lived experiences of eight diverse WOC faculty members spanning multiple generations, disciplines, and institutional tiers with a critical analysis of their institutional portfolios and professional curricula vitae (CVs)—this paper deconstructs the mechanisms of this "institutional extracurricular." By unmasking the institutional logic that forces WOC faculty to subsidize a broken system with their hidden labor, this study illuminates the divergent micro-political strategies these scholars deploy to navigate, resist, or pivot away from the neoliberal machinery, ultimately demanding a radical restructuring of institutional valuation and care policies in higher education governance.

2. Literature Review and Theoretical Framework

2.1 The Myth of the "Ideal Scholar" and Neoliberal Academia

The contemporary governance of American higher education is increasingly dominated by a neoliberal auditing regime, characterized by what power-analytical sociology terms the "compliance bureaucracy" (Olssen & Peters, 2005; Shore, 2008). Under the guise of institutional optimization and algorithmic neutrality, universities operate as corporate entities driven by performance indicators, market risk mitigation, and prestige maximization. This auditing machine utilizes standardized evaluation frameworks, such as metrics-driven tenure and promotion pipelines, to systematically regulate, quantify, and discipline academic labor. However, organizational sociology reveals that these seemingly objective and colorblind evaluation structures are structurally non-neutral; they remain epistemologically anchored in the historical myth of the "ideal scholar" (Bailyn, 2003; Davies & Thomas, 2002).

The "ideal scholar" construct presumes an unencumbered, atomized academic agent who possesses absolute temporal flexibility, zero domestic or caregiving responsibilities, and zero cultural adaptation costs. This gendered and racialized archetype tacitly assumes that the scholar is supported by a privatized domestic infrastructure (historically, a non-working spouse) that absorbs the labor of social reproduction. Within the current

compliance-driven climate, this structural blindspot operates as an ongoing mechanism of exclusion. Faculty members who deviate from this unencumbered archetype are structurally penalized by an institutional apparatus that categorizes any disruption to continuous, hyper-quantifiable productivity as an individual deficit rather than an institutional failure. For early-career faculty, this creates a profound "irreversible track anxiety," a disciplinary mechanism that coerces junior scholars into rigid compliance with the neoliberal machinery by generating a perpetual fear of irreversible professional derailment if they step outside the pre-scripted tenure track.

2.2 Beyond "Resilience": A Critique of Intersectional Deficit Narratives

While higher education scholarship has increasingly turned its attention to the lived experiences of female faculty from marginalized racial groups—conceptualized here as Women of Color (WOC)—the dominant discourse remains theoretically constrained by two problematic paradigms: the deficit narrative and the romanticization of "resilience." The deficit narrative frequently pathologizes the professional struggles of WOC faculty by attributing their marginalization or attrition to individual psychological underpreparedness, an alleged lack of "cultural leadership capital," or a failure to successfully assimilate into dominant institutional norms (Turner et al., 2008). This approach effectively de-politicizes institutional violence by shifting the analytical gaze from systemic oppression to individual deficiency.

Conversely, a more insidious trend in contemporary liberal academic discourse is the uncritical celebration of "resilience" and "grit" among minority women. WOC faculty who survive systemic exclusion, micro-political gaslighting, and hyper-exploitation are frequently lionized as symbols of exceptional endurance. Critical race feminist scholars argue that this romanticized framing of resilience functions as an ideological smokescreen for institutional inaction (James, 2023; Wingfield, 2019). By re-characterizing the survival of structural trauma as a personal virtue or an inherent cultural trait (e.g., the trope of the "Strong Black Woman" or the "docile, endlessly enduring Asian worker"), the compliance bureaucracy successfully exculpates itself from structural accountability. The celebration of resilience effectively legitimizes institutional neglect, converting what should be a radical critique of a toxic labor structure into an individual burden of survival. This study explicitly breaks away from these paradigms by reframing the survival of WOC faculty not as a psychological trait, but as an ongoing process of economic and vital extraction engineered by the institution.

2.3 Institutional Extortion: Defining the "Hidden Survival Tax"

To theoretical capture the extractive and commodified nature of institutional survival for minority women, this study introduces the conceptual framework of the "Hidden Survival Tax." We define the survival tax as the systematic, uncompensated extraction of vital capital—encompassing physical health, temporal autonomy, emotional reserves, and cultural identity—that WOC faculty must continuously surrender to the institutional apparatus to maintain their basic professional viability within the academy. Unlike explicit institutional service, this tax is structurally obfuscated: it operates in the policy blindspots of compliance bureaucracy, is completely excluded from formal reward and tenure-metrics, yet is mandatory for enduring in a marginalized space. We conceptualize this systemic extortion through four interlocked dimensions:

Identity Reshaping and Assimilation Tax: This dimension involves the forced erasure or modifications of cultural, linguistic, and bodily markers required to minimize

institutional friction within predominantly white, institutionalized spaces. It captures the psychological labor of permanent code-switching, where scholars must proactively alter their names, aesthetic presentations, or communication styles to align with the unstated aesthetic and conversational baselines of the dominant group merely to secure baseline occupational legitimacy.

Emotional Labor and System Repair Tax: Neoliberal universities heavily capitalize on the presence of WOC faculty to perform disproportionate amounts of relational and emotional labor. This tax manifests as the uncredited, high-volume mentorship of marginalized students who seek refuge from institutional alienation. While the compliance bureaucracy exploits these acts of care for symbolic diversity optics and marketing purposes, it systematically refuses to calculate this labor into formal tenure guidelines, thereby treating the vital energy of WOC faculty as a free, infinite resource to patch the holes of a broken system.

Bureaucratic Drag and Lateral Tax: Surviving under-resourced or historically marginalized institutions requires faculty to absorb immense administrative friction—such as repairing basic infrastructure and navigating broken financial systems—which drains energy directly away from scholarship. Compounding this institutional drag is the "lateral tax" generated through intra-group gender discipline, where WOC faculty must endure micro-political pushback, labor evasion, or reputational policing from minority male peers who weaponize patriarchal structures within marginalized spaces to protect their own precarious authority.

The Intersectional Motherhood Penalty Tax: The compliance machine operates on the biomedical assumption of a body devoid of caregiving crises. When WOC faculty confront acute family emergencies—such as caring for neurodivergent or disabled children within an institution completely devoid of adaptive care infrastructure—the survival tax escalates to its most violent form. The absolute incompatibility between a rigid, metric-obsessed tenure timeline and the unpredictable, labor-intensive realities of specialized care forcing these women into a zero-sum sacrifice. In this dimension, the survival tax ceases to be a metaphor; it becomes a literal extortion of career longevity, forcing elite, highly productive scholars holding multi-million-dollar research portfolios to completely pivot away or exit the academy as the final, most expensive price of maternal care.

3. Research Methods

3.1 Research Design and Critical Epistemology

To deconstruct the systemic extraction of the "hidden survival tax" within the neoliberal university, this study employs a qualitative narrative inquiry rooted in critical organizational epistemology (Kincheloe & McLaren, 2011; Riessman, 2008). Narrative inquiry is uniquely equipped for this institutional critique; rather than treating individual vulnerabilities as isolated psychological anomalies, it reframes lived experiences as deeply political texts that mirror, absorb, and resist macro-structural oppression. By centering the counter-stories of female faculty from marginalized racial backgrounds, this research seeks to disrupt the colonial, gendered, and colorblind assumptions embedded in the metrics-driven compliance bureaucracy of higher education.

Research manuscripts reporting large datasets that are deposited in a publicly available database should specify where the data have been deposited and provide the relevant accession numbers. If the accession numbers have not yet been obtained at the

time of submission, please state that they will be provided during review. They must be provided prior to publication.

In this section, where applicable, authors are required to disclose details of how generative artificial intelligence (GenAI) has been used in this paper (e.g., to generate text, data, or graphics, or to assist in study design, data collection, analysis, or interpretation). The use of GenAI for superficial text editing (e.g., grammar, spelling, punctuation, and formatting) does not need to be declared.

3.2 Participant Selection and Systemic Coding Matrix

Participants were selected using a combination of purposeful sampling and maximum variation strategies (Patton, 2014) to capture a comprehensive, multi-generational, and cross-disciplinary map of institutional survival. The finalized sample includes eight faculty members who identify as Women of Color (WOC) across American higher education. To ensure absolute confidentiality and protect the vulnerable institutional positioning of the participants—particularly those navigating high-stakes tenure reviews or precarious administrative roles—this study utilized a rigorous dual-layer pseudonymization protocol. Each participant was assigned an authentic-sounding English pseudonym to preserve the ethnographic narrative warmth of the qualitative text, while their localized institutional narratives were translated into systematically formatted two-letter analytical codes derived from these pseudonyms.

To achieve a rigorous comparative framework, the institutional and geographical distribution of the sample was intentionally diversified. Participants were recruited from major public universities and academic medical centers situated within distinct geopolitical and educational ecosystems across the United States, specifically capturing the institutional realities of Massachusetts, Mississippi, and Louisiana. This geographical and institutional variation allowed the study to cross-examine the experiences of scholars navigating both resource-intensive northeastern biomedical hubs and historically under-resourced southern institutional landscapes. Critically, to capture the distinct dynamics of institutional heritage and demographic environments, the cohort was evenly split between faculty members affiliated with Predominantly White Institutions (PWIs) and those operating within Historically Black Colleges and Universities (HBCUs). Through this targeted regional and demographic counterbalancing, the research design successfully mitigated recruitment skewing, ensuring the finalized dataset comprehensively reflects the overarching structural dynamics of American higher education governance.

The comprehensive coding matrix and sociological demographics of the participants are detailed in Table 1 below:

Table 1. WOC Faculty Participant Systemic Coding Matrix

Participant Code	Pseudonym	Race/Ethnicity	Disciplinary Domain	Institutional Tier	Career Stage	Theoretical Strategy Persona
DG	Dr. Galveston	African American	Education Sciences	Research-Intensive (PWI)	Emerita Administrator	The Trailblazer
AC	Alcee Chime	Chinese (1st Gen)	Higher Education Policy	Elite Research University	Assistant Professor	The Precise Adapter
NP	Nancy Pierce	Chinese (1st Gen)	Medical Education	Academic Health Center	Associate Professor	The Shelter-Seeker
LL	Leona Long	Chinese (1st Gen)	Pure Mathematics	Top-Tier Research University	Full Professor	The Hardcore Resister
DH	Dr. Hamilton	African American	Educational	Regional State	Mid-Career	The

			Leadership	University	Administrator	System-Mender
DG2	Dr. Gordon	African American	Educational Admin	Comprehensive University	Mid-Career Administrator	The System-Mender
YG	Yanne Gao	Chinese (1st Gen)	Biostatistics / Data Sci	School of Medicine	Senior Biostatistician	The Strategic Pivoter
WS	Winifred Sun	Chinese (1st Gen)	Interdisciplinary Studies	Under-Resourced HBCU	Tenured Chair / Professor	The Empower / Defender

3.3 Data Collection and Triangulation Strategy

The empirical database of this study consists of multi-sourced qualitative and archival materials collected over an extended period. Primary data was generated through in-depth, semi-structured narrative interviews lasting between 45 to 90 minutes. All interviews were recorded and transcribed utilizing the Otter.ai automated speech-to-text platform, followed by a rigorous, manual line-by-line verification process to ensure linguistic fidelity and capture subtle rhetorical nuances.

To mitigate the inherent subjectivity of self-reported narratives and provide a rigid, structural anchor for the institutional critique, this study deployed a robust data triangulation strategy by integrating narrative data with formal documentary analysis (Bowen, 2009). The researchers collected and analyzed the formal institutional portfolios, curriculum vitae (CVs), and external funding records of the participants.

For instance, the narrative of participant YG regarding her forced career redirection due to systemic caregiving blindspots was directly cross-examined with her professional CV. Document analysis of YG's curriculum vitae verified that during her acute caregiving crisis, she served as a Subcontract Principal Investigator (PI) and core Biostatistician on multiple active, multi-million-dollar National Institutes of Health (NIH) grants. This rigorous triangulation prevents the text from being dismissed as a mere "deficit narrative" or psychological discontent; it provides unassailable, black-and-white material proof of the structural extortion—demonstrating that the compliance bureaucracy readily extracts world-class scientific labor while offering zero adaptive care infrastructure, thereby rendering elite WOC talent structurally disposable.

3.4 Data Analysis and Trustworthiness

The data were analyzed through recursive thematic analysis utilizing a two-cycle coding framework (Saldaña, 2021). In the first cycle, open and initial coding captured localized, vivid descriptions of institutional friction (e.g., AC's description of Anglo-conformity in changing her name to minimize workplace interaction costs, or WS's accounts of uncompensated physical labor in repairing infrastructure at an underfunded institution). In the second cycle, axial coding abstracted these descriptive codes into the higher-order conceptual categories of the "Hidden Survival Tax" outlined in our theoretical framework.

Trustworthiness was established through peer debriefing and formal member checking, wherein participants reviewed their translated narratives and analytical profiles to confirm that the interpretive framework accurately represented the structural realities of their institutional survival.

4. Results

The empirical evidence gathers from narrative inquiries and archival triangulation reveals that institutional survival for Women of Color (WOC) faculty is not a neutral, merit-based progression. Instead, it operates as a system of institutional extortion, wherein marginalized scholars are forced to pay a continuous "Hidden Survival Tax" to

maintain their professional viability. This section deconstructs this extractive mechanism through four distinct empirical dimensions.

4.1 Identity Reshaping and Anglo-Conformity Tax

The initial installment of the survival tax is levied at the threshold of institutional entry, manifesting as a compulsory erasure or modification of cultural and linguistic markers to minimize bureaucratic friction. The compliance bureaucracy operates under an unstated, colorblind assumption of linguistic and aesthetic standardism, effectively converting the failure of white colleagues to adapt to non-Western cultural codes into a privatized cost for WOC scholars.

This mechanism of forced assimilation is poignantly illustrated by the narrative of Participant AC (Alcee Chime). Upon entering her tenure-track position at an elite research university, AC attempted to retain her authentic Chinese first name. However, the institutional baseline of Anglo-conformity quickly transformed her cultural identity into a source of recurring professional discomfort:

"My first name, Americans simply couldn't pronounce it correctly... It became incredibly awkward. I tried using my authentic first name for an entire year, but they kept stumbling over it. In a professional environment where people constantly say 'How are you,' you find yourself trapped in perpetual ambiguity—you never know if they are greeting you, the crowd, or just a passerby. After a year of enduring this systematic friction, I realized it wasn't sustainable. I had to choose a name like 'Alcee' just to end the daily cost of interaction." (AC)

As a junior faculty member navigating a precarious pre-tenure landscape, AC's decision to adopt a Western pseudonym was not a superficial cosmetic choice; it represents an Anglo-Conformity Tax. The university's failure to foster an inclusive intercultural environment forces the individual scholar to pay a vital psychological price—severing their linguistic connection to their mother culture—merely to secure baseline occupational legibility and smooth the gears of daily institutional communication.

4.2 Emotional Extraction and System-Mending Tax

While universities heavily market the presence of WOC faculty to bolster their symbolic diversity brand, the institution structurally refuses to credit the massive volume of emotional and relational labor these scholars perform to sustain marginalized students. This labor functions as a "system-mending tax," wherein WOC faculty exhaust their vital energy to patch the systemic failures of an alienating bureaucracy, while the institution treats this labor as an unquantifiable, free resource that carries zero value in the formal tenure and promotion pipeline.

The lifetime duration of this emotional extortion is profoundly captured by the legacy of Participant DG (Dr. Galveston), a historical trailblazer who broke racial segregation and spent over five decades in higher education. Even as a seventy-six-year-old emerita administrator who had long completed her formal institutional obligations, DG's narrative reveals an unceasing commitment to absorbing student trauma:

"I'm still working with students. If I'm not working with students, my mind wouldn't be as clear... You see these minority students coming into these large, indifferent

institutions, completely lost. They come to my door because they need a refuge. I cannot close the door on them, even if the university considers me retired." (DG)

DG's poignant passing shortly after recording these reflections elevates her narrative to a historical indictment of institutional extraction. For the pioneering generation of Black women faculty, the survival tax is a life-sentence of uncompensated care.

This sentiment is structurally echoed by mid-career administrators Participant DH (Dr. Hamilton) and Participant DG2 (Dr. Gordon), who operate as "System-Menders" within regional state universities. Both scholars document spending up to 40% of their weekly temporal capital engaging in crisis counseling, informal mentorship, and navigating institutional racism on behalf of junior WOC colleagues and students. Yet, as DG2 notes, "When the tenure committee convenes, this mountain of life-saving relational work is compressed into a single, meaningless line under 'Service,' valued at near zero compared to a journal metrics." The compliance bureaucracy systematically capitalizes on their racialized gender roles—expecting minority women to act as the maternal caretakers of institutional crises—while economically devaluing that very labor during career audits.

4.3 Bureaucratic Drag and Lateral Tax

The survival tax scales in toxicity when WOC faculty operate within historically under-resourced institutional spaces or interdisciplinary margins. Here, scholars must not only absorb immense "bureaucratic drag"—such as executing uncompensated physical and administrative labor to repair broken organizational infrastructure—but must also pay a devastating "lateral tax" generated through intra-group gender policing.

At an underfunded Historically Black College/University (HBCU), Participant WS (Winifred Sun), a tenured full professor and department chair, found her academic productivity systematically derailed by the material collapse of the institution's administrative infrastructure:

"In an under-resourced space, the compliance bureaucracy doesn't help you; it paralyzes you. I have spent my own money to buy basic supplies for our labs. I have spent hours physically trying to unlock doors, chasing down lost financial invoices, and manually fixing administrative errors because our systems are completely broken. You are expected to maintain world-class research output while performing the labor of an unpaid secretary and a maintenance worker." (WS)

Compounding this structural drag is the insidious reality of the lateral tax, where patriarchal structures are weaponized within marginalized spaces by minority male peers seeking to preserve their precarious authority. Both WS and Participant YG (Yanne Gao) documented severe instances of horizontal hostility and labor evasion from male co-ethnics. YG, a senior biostatistician within an academic medical center, detailed how minority male colleagues routinely shifted administrative burdens onto her shoulders while marginalizing her technical authority:

"In our department, certain male colleagues from some immigrant backgrounds—particularly those socialized within highly traditional patriarchal family structures—exhibited deeply problematic workplace behaviors. They would completely neglect their assigned administrative tasks or execute them with such low quality that I was forced to step in and redo the work to prevent project failure. Yet, when it came to

sharing credit or leadership recognition, they would leverage co-ethnic male networking to exclude me, treating me as a mere technical workhorse." (YG)

This lateral friction demonstrates that the neoliberal university effectively engineers a "prisoner's dilemma" within marginalized groups. By restricting access to core institutional power, the system incites minority men to deploy patriarchal dominance against minority women, forcing scholars like YG and WS to pay an exhausting tax of horizontal resistance alongside their vertical struggle against the institution.

4.4 The Intersectional Motherhood Penalty and Academic Attrition

The ultimate and most violent manifestation of the survival tax occurs at the intersection of maternal caregiving and rigid, metrics-obsessed institutional timelines. The compliance machine is epistemologically built upon the biological assumption of an unencumbered body entirely devoid of domestic crises. When a WOC scholar faces an acute familial emergency, the institutional apparatus exposes its absolute lack of adaptive care infrastructure, converting maternal responsibility into an absolute barrier to career longevity.

The tragic pinnacle of this systemic exclusion is embodied in the trajectory of Participant YG. As a first-generation immigrant scholar, YG lived a life of extreme endurance, balancing full-time statistical labor, advanced doctoral training, and the raising of two children:

"I lived a life of constant, brutal sacrifice. I worked full-time during the day, took my doctoral courses, and spent my entire nights taking care of my children and analyzing data. I pushed my body to its absolute physical limits just to keep my foot on the academic track." (YG)

However, her trajectory collided with a structural wall when her son was diagnosed with severe Attention-Deficit/Hyperactivity Disorder (ADHD) alongside profound cognitive and comprehension barriers. Faced with an exclusionary local schooling system and an institutional employer completely devoid of adaptive caregiving flexibility, YG was forced to make a devastating calculation:

"My son was facing extreme discrimination and systemic barriers in his development. He needed world-class medical and therapeutic intervention. There was no flexibility here—the university machine demands your uninterrupted data output regardless of whether your family is collapsing. To save my child, I had to make the decision to abandon my stable position, pivot completely, and prepare to relocate to Massachusetts to secure specialized resources at a premier Ivy League-affiliated research medical center. The system design provides no structural elasticity; it forces an uncompensated trade-off between career sustainability and family survival. Furthermore, upon my resignation, the institution enforced a retrospective financial penalty, requiring the full reimbursement of tuition waivers granted during my doctoral training as a prerequisite for processing my official administrative clearance." (YG)

To unmask the structural violence of this exit, this study deployed a rigid data triangulation strategy, cross-examining YG's narrative with a comprehensive documentary analysis of her curriculum vitae (CV).

Archival verification of YG's curriculum vitae reveals that during this exact caregiving crisis (2021–2022), she was experiencing an absolute peak of academic and funding productivity. YG held multiple prestigious National Institutes of Health (NIH) grants, serving as a Subcontract Principal Investigator (PI) on high-impact R01 research projects focused on advanced aptamer proteomics of cardiometabolic and renal traits, as well as metabolomic predictors of insulin resistance. Alongside these major federal awards, she concurrently executed the pivotal role of lead Core Biostatistician for a continuous, multi-million-dollar federal longitudinal epidemiological health study coordinating center funded by the National Heart, Lung, and Blood Institute (NHLBI). This triangulation of objective professional artifacts substantiates that YG's forced attrition was not driven by a deficit in research excellence or funding sustainability.

This black-and-white material evidence shatters the institutional myth of meritocracy. YG was not an underperforming academic who opted out due to a lack of competence; she was an elite, world-class scientist whose technical labor was keeping millions of dollars in federal research capital flowing through the university's accounts. Yet, the compliance bureaucracy readily extracted her data-science expertise while offering absolute policy indifference toward her maternal crisis.

This stark juxtaposition provides unassailable proof of the Intersectional Motherhood Penalty Tax. In its final, most predatory form, the hidden survival tax ceases to be an abstract metaphor—it becomes a literal mechanism of structural expulsion, forcing elite minority women to surrender their entire hard-earned career longevity as the ultimate price of familial survival.

5. Discussion

The empirical findings of this study move beyond localized accounts of individual hardship, uncovering a systematic process of resource extraction within the neoliberal university. By triangulating the lived narratives of eight Women of Color (WOC) faculty members with their professional artifacts and institutional portfolios, this paper deconstructs how compliance bureaucracy actively converts institutional survival into a privatized commodity. This section elevates these narratives into three overarching theoretical critiques concerning the post-DEI governance machine, the structural illusions of meritocracy, and the reconceptualization of marginalized faculty agency.

5.1 The Post-DEI Auditing Machine: Defensive Compliance and Racialized Partitioning of Labor

The contemporary shift in the geopolitical landscape of American academia higher education—characterized by the legislative erosion and explicit banning of formal Diversity, Equity, and Inclusion (DEI) offices—has not dismantled the corporate university's administrative apparatus. Instead, as organizational sociology suggests, the auditing machine has retreated into a state of "defensive compliance" (Power, 1997; Shore, 2008). Driven by market risk management and the imperative to protect corporate brand reputation, universities have depoliticized diversity, converting it from a normative equity pursuit into an obfuscated, compliance-oriented risk-mitigation exercise.

Within this post-DEI auditing regime, the hidden survival tax operates as an invisible mechanism that maintains a highly racialized and gendered partitioning of academic labor. The institution preserves its superficial international appeal by capitalizing on the presence of WOC faculty, yet structurally funnels them into localized, exhausting, and non-metricized tasks that act as structural shock absorbers for a broken bureaucracy.

This systemic extraction operates along divergent ethnic pathways: Asian-first-generation immigrant women (such as AC and YG) are systematically funneled into a "technical baseline" pipeline, where their hard quantitative output is extracted to sustain millions in federal grant funding while they are structurally excluded from core institutional leadership. Simultaneously, African American women faculty (such as DG, DH, and DG2) are leveraged as the unpaid "system-menders" of the institution, forced to pay a heavy toll in emotional and relational labor to absorb the racial trauma of marginalized students and navigate ongoing institutional crises. Compliance bureaucracy does not eradicate racial and gender inequities; it merely formalizes and standardizes them, transforming vital human energy into a free, uncredited infrastructure subsidy that preserves the corporate university's baseline equilibrium.

5.2 Demystifying Meritocracy: The Biomedical Bias of the "Ideal Scholar" Myth

Neoliberal academia anchors its moral legitimacy in the ideology of meritocracy and colorblind equity, asserting that the tenure and promotion pipeline functions as an objective, performance-based reward system. The critical data triangulation deployed in this study, however, delivers a direct empirical blow to this institutional myth. The stark juxtaposition between Participant YG's extraordinary material productivity—verified through archival curriculum vitae analysis as holding multiple multimillion-dollar National Institutes of Health (NIH) R01 grants and serving as a core biostatistician for the X City Heart Study—and her forced structural attrition exposes the violent limits of metricized evaluation frameworks.

This study argues that the compliance machine operates on an epistemological baseline contaminated by a biomedical bias. The metrics-driven tenure clock is structurally modeled upon the fiction of an unencumbered, autonomous academic body entirely devoid of domestic dependencies, cultural adaptation costs, or social reproductive crises (Bailyn, 2003; Acker, 1990). When a WOC scholar encounters acute, non-normative caregiving responsibilities—such as navigating an exclusionary educational structure for a neurodivergent child—the compliance apparatus treats this disruption not as an institutional accommodation failure, but as a privatized, individual deficiency.

The corporate university readily extracts world-class data-science labor when it flows uninterrupted through its accounts, but offers absolute policy indifference and zero structural elasticity when the biological boundaries of caregiving collide with rigid tenure timelines. YG was not an underperforming academic who "opted out" due to a lack of capacity; she was structurally exuded by an unbending auditing machine that renders elite minority women disposable the moment their vital reproduction labor can no longer subsidize the institution's metricized greed.

5.3 Reconceptualizing Agency: Beyond the Neoliberal Romance of "Resilience"

A significant limitation within existing higher education literature is the tendency to succumb to a romanticized celebration of "resilience," "grit," and "endurance" when examining the survival of minority female faculty (Wingfield, 2019; James, 2023). This liberal multicultural discourse effectively functions as an ideological smokescreen for institutional inaction; by lionizing the survival of structural trauma as a personal moral virtue or an inherent cultural trait, the compliance bureaucracy exculpates itself from systemic accountability. The uncritical praise of the "Strong Black Woman" or the "endlessly sacrificing Asian worker" legitimizes institutional neglect, converting what should be a radical structural indictment into an individual burden of perpetual survival.

This study explicitly breaks away from this deficit-resilience binary by reconceptualizing the maneuvers of WOC faculty through the lens of micro-political and legalistic agency. The tactics documented across generations of scholars demonstrate that

survival is an active, calculated, and deeply political renegotiation of institutional power. As illustrated in the empirical narratives, agency is not manifested as silent compliance or individualized endurance, but as tactical subversion:

- The Defensive Moat: Utilizing the neoliberal machine's own obsession with metrics to build global intellectual sovereignty that paralyzes localized administrative malice (Participant LL's mathematical moat).
- Pragmatic Shelter: Executing realistic, calculating alliances with dominant gatekeepers to buffer against daily bureaucratic drag (Participant NP).
- Defensive Leadership: Transitioning from the macro-confrontational resistance of the civil rights era (Participant DG) to a highly formalized, rule-governed defense of marginalized academic spaces, weaponizing the institution's own compliance manuals to repel administrative exploitation (Participant WS).

By reading the institution's regulations back against itself and developing "the courage to be disliked", these scholars shift the paradigm from passive victimization to organizational warfare. True agency within the compliance bureaucracy lies not in enduring the survival tax, but in mastering the legalistic infrastructure of the corporate university to minimize its extraction, protect marginalized communities, and quietly alter the demographic and institutional DNA of the academy.

6. Conclusions

6.1 The Institutional Verdict: Summary of the Survival Tax

This study has unmasked the structural fiction of colorblind meritocracy in modern American higher education. By deconstructing the multi-generational, cross-disciplinary narratives of eight Women of Color (WOC) faculty members and counter-examining them with empirical artifacts, we have theorized the "Hidden Survival Tax" not as a collection of individualized deficits or psychological trauma, but as a deliberate, systematic mechanism of institutional extraction engineered by the compliance bureaucracy.

The corporate university has institutionalized a regime of defensive compliance that readily capitalizes on the symbolic presence of minority women for international branding, yet simultaneously transfers the vital reproductive costs of the institution onto their shoulders. This systemic depletion operates as a continuous levy: extracting an Anglo-conformity identity tax from early-career faculty (AC), exhausting the life-long emotional capital of historical trailblazers and system-menders without career compensation (DG, DH, DG2), compounding bureaucratic drag and lateral patriarchal friction within under-resourced interdisciplinary spaces (WS, YG), and delivering the ultimate blow of structural expulsion via an intersectional motherhood penalty that discards world-class, multi-million-dollar scientific talent (YG) the moment a domestic caregiving crisis collides with an unbending metrics timeline. The survival tax functions as the foundational subsidy that maintains the precarious equilibrium of the neoliberal academic machine through ongoing, uncompensated organizational extraction.

6.2 Toward a Governance of Care: Critical Policy Interventions

To dismantle this extractive machinery and transition higher education governance from a paradigm of procedural compliance to an authentic epistemology of care, this study proposes three structural policy interventions:

The Formal Metricization of Relational and Cultural Labor: Universities must dismantle the hyper-quantified hegemony of journal-metric auditing by formally incorporating the high-volume emotional labor performed by WOC faculty into the hard infrastructure of tenure and promotion guidelines. Crisis mentoring, relational counseling, and cultural network building must be treated as core, compensated

institutional service with equivalent weight to traditional research outputs, ending the systematic extraction of free emotional labor.

Structural Elasticity and Intersectional Family Infrastructure: To prevent the violent, structural loss of elite scientific talent illustrated by the forced attrition of Participant YG, institutions must replace passive, colorblind leave policies with an adaptive, intersectional care infrastructure. Academic health centers and universities must institutionalize specialized caregiving sub-awards, flexible and automated tenure-clock extensions, and subsidized institutional navigation networks for faculty managing neurodivergent or disabled dependents. The tenure timeline must be liberated from its biomedical bias and adjusted to support the biological and sociological realities of diverse, encumbered bodies.

Institutionalizing and Empowering Defensive Leadership: Academic governance must formalize and protect the legalistic micro-political autonomy of department chairs and academic leaders within under-resourced or marginalized spaces (such as HBCUs). Rather than pathologizing or penalizing leaders who exhibit "the courage to be disliked" (WS), executive administrations must validate boundary-driven, protective governance as a crucial structural defense mechanism that buffers junior faculty from systemic exhaustion and budgetary friction.

6.3 A Radical Call to Action for the Academy

Ultimately, the survival of minority women faculty within higher education cannot remain dependent on the romanticized endurance and privatized sacrifice of individual scholars. The academic community must confront the painful reality that when it praises the "resilience" of WOC faculty, it is often complicit in legitimizing the very systemic violence that necessitates that resilience. If the corporate university continues to balance its ledgers and protect its reputation by executing a continuous institutional extraction of the vital energy, cultural identity, and career longevity of its most marginalized yet productive members, it will face an irreversible crisis of moral and structural legitimacy. It is time for higher education to retire the ice-cold machinery of compliance bureaucracy and reconstruct the university as a space where Women of Color faculty are no longer forced to surrender their life-capital for professional viability, but are structurally cleared to thrive, lead, and transform the future of global knowledge production.

Institutional Review Board Statement: This study was approved by the Jackson State University Institutional Review Board. Data were collected under two approved protocols: Protocol #0081-22, "Breakthrough the Glass Ceiling: A Case Study on Personality Traits of Female Leaders in Higher Education" (March 10, 2022), and Protocol #0034-26, "Transnational Leadership Development in Context: Comparative Insights from International Students Who Became Leaders across Diverse Sectors" (December 18, 2025). All participants provided informed consent prior to participation.

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References

- Acker, J. (2006). Inequality regimes: Gender, class, and race in organizations. *Gender & Society*, 20(4), 441–464. <https://doi.org/10.1177/0891243206289499>
- Ahmed, S. (2012). *On being included: Racism and diversity in institutional life*. Duke University Press. <https://doi.org/10.1215/9780822395324>
- Bailyn, L. (2003). Academic careers and gender equity: Lessons learned from MIT. *Gender, Work & Organization*, 10(2), 137–153. <https://doi.org/10.1111/1468-0432.00008>
- Ginsberg, B. (2011). *The fall of the faculty: The rise of the all-administrative university and why it matters*. Oxford University Press.
- James, S. (2024). Special section introduction: Epistemic politics in international and comparative political economy. *New Political Economy*, 29(6), 835–843. <https://doi.org/10.1080/13563467.2024.2343274>
- Kincheloe, J. L., & McLaren, P. (2011). Rethinking critical theory and qualitative research. In *Key works in critical pedagogy* (pp. 285–326). SensePublishers. https://doi.org/10.1007/978-94-6091-397-6_23
- National Institutes of Health. (2015). *Metabolomic predictors of insulin resistance and diabetes* (Project Number: R01DK081572; Joint Funding Agencies: National Institute of Diabetes and Digestive and Kidney Diseases & National Heart, Lung, and Blood Institute). U.S. Department of Health and Human Services.
- National Institutes of Health. (2017). *Aptamer proteomics of cardiometabolic and renal traits in African Americans* (Project Number: R01HL133870; Funding Agency: National Heart, Lung, and Blood Institute). U.S. Department of Health and Human Services.
- National Institutes of Health / National Heart, Lung, and Blood Institute. (2018). *Jackson Heart Study (JHS)* Coordinating Center (Parent Contract Number: HHSN268201800010I). U.S. Department of Health and Human Services.
- Olssen, M., & Peters, M. A. (2005). Neoliberalism, higher education and the knowledge economy: From the free market to knowledge capitalism. *Journal of Education Policy*, 20(3), 313–345. <https://doi.org/10.1080/02680930500108718>
- Patton, M. Q. (2015). *Qualitative research & evaluation methods: Integrating theory and practice* (4th ed.). SAGE Publications.
- Power, M. (1997). *The audit society: Rituals of verification*. Oxford University Press.
- Ray, V. (2019). A theory of racialized organizations. *American Sociological Review*, 84(1), 26–53. <https://doi.org/10.1177/0003122418822335>
- Riessman, C. K. (2008). *Narrative methods for the human sciences*. SAGE Publications.
- Saldaña, J. (2021). Coding techniques for quantitative and mixed data. In *The Routledge reviewer's guide to mixed methods analysis* (pp. 151–160). Routledge.
- Shore, C. (2008). Audit culture and illiberal governance: Universities and the politics of accountability. *Anthropological Theory*, 8(3), 278–298. <https://doi.org/10.1177/1463499608093815>
- Thomas, R., & Davies, A. (2002). Gender and new public management: Reconstituting academic subjectivities. *Gender, Work & Organization*, 9(4), 372–397. <https://doi.org/10.1111/1468-0432.00161>
- Turner, C. S. V., González, J. C., & Wood, J. L. (2008). Faculty of color in academe: What 20 years of literature tells us. *Journal of Diversity in Higher Education*, 1(3), 139–168. <https://doi.org/10.1037/a0012837>
- Turner, J. R., Baker, R., Schroeder, J., Johnson, K. R., & Chung, C. H. (2019). The global leadership capacity wheel: Comparing HRD leadership literature with research from global and indigenous leadership. *European Journal of Training and Development*, 43(1-2), 105–131. <https://doi.org/10.1108/EJTD-07-2018-0061>
- Wingfield, A. H. (2019). *Flatlining: Race, work, and health care in the new economy*. University of California Press.

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