



<b>Title of Report:</b>	<b>Correspondence Report</b>
<b>Committee Report Submitted To:</b>	<b>Environmental Services Committee</b>
<b>Date of Meeting:</b>	<b>17<sup>th</sup> April 2024</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee YES/NO</b>	<b>No</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Leader and Champion
Outcome	Establish key relationships with Government, agencies and potential strategic partners
Lead Officer	Director of Environmental Services

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

## **1.0 Purpose of Report**

The purpose of this report is to present correspondence for Members' consideration.

**2.0** The following correspondence has been received:

**2.1 Northern Ireland Commissioner for Children and Young People (NICCY), dated 4<sup>th</sup> March 2024 (copy attached)**

### **Summary**

#### **Re. Climate Justice and UN General Comment 26**

Correspondence from NICCY received on 4<sup>th</sup> March 2024 enclosed a copy of GC 26 as well as a child friendly version of the UN comment. NICCY would welcome further engagement with Causeway Coast and Glens Borough Council to explore how GC 26 might be effectively disseminated and used.

### **Recommendation**

**It is recommended** that the Environmental Services Committee consider the correspondence.

**EMAIL**

Ref: 24/CJS/MMcC/037

04 March 2024

Dear Colleague

**Re: Climate Justice and UN General Comment 26**

As you will be aware, the Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

Given the current and longer-term crisis of climate breakdown and environmental degradation adversely impacting on the rights and life outcomes of children and young people, NICCY welcomed the publication of General Comment 26 (GC 26) by the United Nations Committee for the Rights of the Child (UNCRC) in September 2023 as the first authoritative international instrument:

- recognising children's rights to a clean, healthy and sustainable environment;
- describing how environmental degradation and climate change affects the fulfilment of children's rights.

GC 26 was developed with 16,331 children and young people from 121 States around the world, including Northern Ireland, and can be used as a 'benchmark' for States' actions or inactions.

NICCY is committed to working with children and young people including our Youth Panel and other interested stakeholders, to explore how we might collectively and effectively use GC 26 over the next few years e.g. as a basis and road map for work on children's rights and the environment - in advocacy, campaigning and communications work - ensuring that children and young people's voices and participation are central to climate action and environmental protection. This could be e.g. across programmes of work in education and/or health, as an accountability tool with government and/or potentially through other action.

Please find attached a copy of GC 26 as well as a child friendly version of the UN comment. We would welcome further engagement with you to explore how GC 26 might be effectively disseminated and used. If this is of interest, please contact Laura McFall,

This document and any attachments are intended for the addressee only.

Participation Officer [laura@niccy.org](mailto:laura@niccy.org) or Karin Eyben, Policy Officer, [karin@niccy.org](mailto:karin@niccy.org) at NICCY in the first instance.

Yours Sincerely



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**Mairead McCafferty**  
**Chief Executive**

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This document and any attachments are intended for the addressee only.

**Chris Quinn**  
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**Northern Ireland  
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# Convention on the Rights of the Child

Distr.: General  
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## Committee on the Rights of the Child

### General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change\*

#### I. Introduction

1. The extent and magnitude of the triple planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally. The unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, have had a profound impact on the natural environment, fuelling climate change, intensifying the toxic pollution of water, air and soil, causing ocean acidification and devastating biodiversity and the very ecosystems that sustain all life.

2. The efforts of children to draw attention to these environmental crises created the motivation and were the momentum behind the present general comment. The Committee benefited immeasurably from the contributions of children at its 2016 day of general discussion on children's rights and the environment. A diverse and dedicated children's advisory team, comprising 12 advisors of between 11 and 17 years of age, supported the consultation process undertaken for the general comment, with 16,331 contributions from children, from 121 countries, through online surveys, focus groups and in-person national and regional consultations.

3. The children consulted reported on the negative effects of environmental degradation and climate change on their lives and communities. They asserted their right to live in a clean, healthy and sustainable environment: "The environment is our life." "Adults [should] stop making decisions for the future they won't experience. [We] are the key means [of] solving climate change, as it is [our] lives at stake." "I would like to tell [adults] that we are the future generations and, if you destroy the planet, where will we live?!"<sup>1</sup>

4. Child human rights defenders, as agents of change, have made historic contributions to human rights and environmental protection. Their status should be recognized, and their demands for urgent and decisive measures to tackle global environmental harm should be realized.

5. While the present general comment is focused on climate change, its application should not be limited to any particular environmental issue. New environmental challenges may arise in the future, for example, those linked to technological and economic development and social change. States should ensure that the present general comment is widely disseminated to all relevant stakeholders, in particular children, and is made available in multiple languages and formats, including age-appropriate and accessible versions.

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\* Adopted by the Committee at its ninety-third session (8–26 May 2023).

<sup>1</sup> See <https://childrightsenvironment.org/reports/>.



## **A. Child rights-based approach to environmental protection**

6. The application of a child rights-based approach to the environment requires the full consideration of all children's rights under the Convention on the Rights of the Child and the Optional Protocols thereto.

7. In a children's rights-based approach, the process of realizing children's rights is as important as the result. As rights holders, children are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as environmental actors. In taking such an approach, particular attention is paid to the multiple barriers faced by children in disadvantaged situations in enjoying and claiming their rights.

8. A clean, healthy and sustainable environment is both a human right itself and necessary for the full enjoyment of a broad range of children's rights. Conversely, environmental degradation, including the consequences of the climate crisis, adversely affects the enjoyment of these rights, in particular for children in disadvantaged situations or children living in regions that are highly exposed to climate change. The exercise by children of their rights to freedom of expression, peaceful assembly and association, to information and education, to participate and be heard and to effective remedies can result in more rights-compliant, and therefore more ambitious and effective, environmental policies. In this way, children's rights and environmental protection form a virtuous circle.

## **B. Evolution of international law on human rights and the environment**

9. The Convention explicitly addresses environmental issues in article 24 (2) (c), by which States are obliged to take measures to combat disease and malnutrition, taking into consideration the dangers and risks of environmental pollution, and under article 29 (1) (e), by which they are required to direct the education of children to the development of respect for the natural environment. Since the adoption of the Convention, growing acceptance has emerged of the wide-ranging interconnections between children's rights and environmental protection. Unprecedented environmental crises and the resulting challenges for the realization of children's rights require a dynamic interpretation of the Convention.

10. The Committee is mindful of efforts of relevance to its interpretation, including: (a) the recognition of the human right to a clean, healthy and sustainable environment by the General Assembly<sup>2</sup> and the Human Rights Council;<sup>3</sup> (b) the framework principles on human rights and the environment;<sup>4</sup> (c) the existing and evolving norms, principles, standards and obligations under international environmental law, such as the United Nations Framework Convention on Climate Change and the Paris Agreement; (d) the legal developments and jurisprudence at the regional level recognizing the relationship between human rights and the environment; and (e) the recognition of some form of the right to a clean, healthy and sustainable environment in international agreements, the jurisprudence of regional and national courts, national constitutions, laws and policies by a vast majority of States.<sup>5</sup>

## **C. Intergenerational equity and future generations**

11. The Committee recognizes the principle of intergenerational equity and the interests of future generations, to which the children consulted overwhelmingly referred. While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent. Beyond their immediate obligations under the Convention with regard to the environment, States bear the responsibility for foreseeable environment-related threats

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<sup>2</sup> General Assembly resolution 76/300.

<sup>3</sup> Human Rights Council resolution 48/13.

<sup>4</sup> [A/HRC/37/59](#), annex.

<sup>5</sup> See [A/HRC/43/53](#).

arising as a result of their acts or omissions now, the full implications of which may not manifest for years or even decades.

## **D. Objectives**

12. In the present general comment, the Committee aims to:

(a) Emphasize the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children's rights;

(b) Promote a holistic understanding of children's rights as they apply to environmental protection;

(c) Clarify the obligations of States to the Convention and provide authoritative guidance on legislative, administrative and other appropriate measures to address environmental harm, with a special focus on climate change.

## **II. Specific rights under the Convention as they relate to the environment**

13. Children's rights, like all human rights, are indivisible, interdependent and interrelated. Some rights are particularly threatened by environmental degradation. Other rights play an instrumental role in safeguarding children's rights in relation to the environment. The right to education, for example, is a right that has both dimensions.

### **A. Right to non-discrimination (art. 2)**

14. States have an obligation to effectively prevent, protect against and provide remedies for both direct and indirect environmental discrimination. Children in general, and certain groups of children in particular, face heightened barriers to the enjoyment of their rights, due to multiple and intersecting forms of discrimination; such grounds include those specifically prohibited under article 2 of the Convention and the "other status" referred to in the article. The impact of environmental harm has a discriminatory effect on certain groups of children, especially Indigenous children, children belonging to minority groups, children with disabilities and children living in disaster-prone or climate-vulnerable environments.

15. States should collect disaggregated data to identify the differential effects of environment-related harm on children and to better understand intersectionalities, paying special attention to groups of children who are most at risk, and to implement special measures and policies, as required. States must ensure that all legislation, policies and programmes that deal with environmental issues are not intentionally or unintentionally discriminatory towards children in their content or implementation.

### **B. Best interests of the child (art. 3)**

16. Environmental decisions generally concern children, and the best interests of the child shall be a primary consideration in the adoption and implementation of environmental decisions, including laws, regulations, policies, standards, guidelines, plans, strategies, budgets, international agreements and the provision of development assistance. Where an environmental decision may have a significant impact on children, conducting a more detailed procedure to assess and determine children's best interests that provides opportunities for their effective and meaningful participation, is appropriate.

17. Determining the best interests of the child should include an assessment of the specific circumstances that place children uniquely at risk in the context of environmental harm. The purpose of assessing the best interests of the child shall be to ensure the full and effective enjoyment of all rights, including the right to a clean, healthy and sustainable environment.

States should not only protect children against environmental harm, but also ensure their well-being and development, taking into account the possibility of future risk and harm.<sup>6</sup>

18. The adoption of all measures of implementation should also follow a procedure that ensures that the best interests of the child are a primary consideration. A child rights impact assessment should be used to evaluate the environmental impact of all implementation measures, such as any proposed policy, legislation, regulation, budget or other administrative decision concerning children, and should complement ongoing monitoring and evaluation of the impact of measures on children's rights.

19. Potential conflicts of the best interests of the child with other interests or rights should be resolved on a case-by-case basis, carefully balancing the interests of all parties. Decision makers should analyse and weigh the rights and interests of all those concerned, giving appropriate weight to the primacy of the best interests of the child. States should take into account the possibility that environmental decisions that seem reasonable individually and on a shorter timescale can become unreasonable in aggregate and when considering the full harm that they will cause to children throughout their life courses.

### **C. Right to life, survival and development**

20. The right to life is threatened by environmental degradation, including climate change, pollution and biodiversity loss, which are closely linked to other fundamental challenges impeding the realization of this right, including poverty, inequality and conflict. States should take positive measures to ensure that children are protected from foreseeable premature or unnatural death and threats to their lives that may be caused by acts and omissions, as well as the activities of business actors, and enjoy their right to life with dignity.<sup>7</sup> Such measures include the adoption and effective implementation of environmental standards, for example, those related to air and water quality, food safety, lead exposure and greenhouse gas emissions, and all other adequate and necessary environmental measures that are protective of children's right to life.

21. The obligations of States under article 6 of the Convention also apply to structural and long-term challenges arising from environmental conditions that may lead to direct threats to the right to life and require taking appropriate measures to tackle those conditions, for example, the sustainable use of resources needed for covering basic needs and the protection of healthy ecosystems and biodiversity. Special measures of protection are needed to prevent and reduce child mortality from environmental conditions and for groups in vulnerable situations.

22. Environmental degradation increase children's risk of facing grave rights violations in armed conflict due to displacement, famine and increased violence. In the context of armed conflict, States should prohibit the development or retention of, and ensure the clean-up of areas contaminated by, unexploded ordnance and residue of biological, chemical and nuclear weapons, in line with international commitments.

23. Environmental degradation jeopardizes children's ability to achieve their full developmental potential, with implications for a wide range of other rights under the Convention. The development of children is intertwined with the environment in which they live. The developmental benefits of a healthy environment include those linked to opportunities to experience outdoor activities and to interact with and play in natural environments, including the animal world.

24. Younger children are particularly susceptible to environmental hazards due to their unique activity patterns, behaviours and physiology. Exposure to toxic pollutants, even at low levels, during developmental windows of increased vulnerability can easily disrupt the maturational processes of the brain, organs and the immune system and cause disease and impairments during and beyond childhood, sometimes after a substantial latency period. The

<sup>6</sup> General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, paras. 16 (e), 71 and 74.

<sup>7</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 62.



effects of environmental contaminants may even persist in future generations. States should consistently and explicitly consider the impact of exposure to toxic substances and pollution in early life.

25. States should recognize each stage of childhood, the importance of each stage for subsequent stages of maturation and development and children's varying needs at each stage. To create an optimal environment for the right to development, States should explicitly and consistently consider all factors required for children of all different ages to survive, develop and thrive to their fullest potential and design and implement evidence-based interventions that address a wide range of environmental determinants during the life course.

#### **D. Right to be heard (art. 12)**

26. Children identify environmental issues as being highly important to their lives. Children's voices are a powerful global force for environmental protection, and their views add relevant perspectives and experience with respect to decision-making on environmental matters at all levels. Even from an early age, children can enhance the quality of environmental solutions, for example, by providing invaluable insights into issues such as the effectiveness of early warning systems for environmental hazards. Children's views should be proactively sought and given due weight in the design and implementation of measures aimed at addressing the significant and long-term environmental challenges that are fundamentally shaping their lives. Creative means of expression, such as art and music, may be used by children to participate and express their views. Additional support and special strategies may be required to empower children in disadvantaged situations, such as children with disabilities, children belonging to minority groups and children living in vulnerable areas, to exercise their right to be heard. The digital environment and tools can enhance consultations with children and expand their capacity and opportunities to be effectively engaged in environmental matters, including through collective advocacy, if carefully used, with due attention given to challenges regarding digital inclusion.<sup>8</sup>

27. States must ensure that age-appropriate, safe and accessible mechanisms are in place for children's views to be heard regularly and at all stages of environmental decision-making processes for legislation, policies, regulations, projects and activities that may affect them, at the local, national and international levels. For free, active, meaningful and effective participation, children should be provided with environmental and human rights education, age-appropriate and accessible information, adequate time and resources and a supportive and enabling environment. They should receive information about the outcomes of environment-related consultations and feedback on how their views were taken into account and have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded.

28. At the international level, States, intergovernmental organizations and international non-governmental organizations should facilitate the involvement of children's associations and child-led organizations or groups in environmental decision-making processes. States should ensure that their obligations concerning children's right to be heard are incorporated into international environmental decision-making processes, including in negotiations and the implementation of instruments of international environmental law. Efforts to enhance youth participation in environmental decision-making processes should be inclusive of children.

#### **E. Freedom of expression, association and peaceful assembly (arts. 13 and 15)**

29. Children across the world are taking action, individually and collectively, to protect the environment, including by highlighting the consequences of climate change. States shall respect and protect children's rights to freedom of expression, association and peaceful

<sup>8</sup> General comment No. 25 (2021) on children's rights in relation to the digital environment, paras. 16 and 18.

assembly in relation to the environment, including by providing a safe and enabling environment and a legal and institutional framework within which children can effectively exercise their rights. Children's rights to freedom of expression, association and peaceful assembly shall not be subjected to restrictions other than those imposed in conformity with the law and that are necessary in a democratic society.

30. Children who exercise their right to freedom of expression or engage in protests on environmental matters, including children environmental human rights defenders, often face threats, intimidation, harassment and other serious reprisals. States are required to protect their rights, including by providing a safe and empowering context for initiatives organized by children to defend human rights in schools and other settings. States, State actors, such as the police, and other stakeholders, including teachers, should receive training on children's civil and political rights, including measures to ensure that children can enjoy them safely. States must take all appropriate measures to ensure that no restrictions other than those that are provided by law and that are necessary are imposed on forming and joining associations or taking part in environmental protests. Laws, including those relating to defamation and libel, should not be abused to suppress children's rights. States should adopt and implement laws to protect child human rights defenders in accordance with international human rights standards. States should provide effective remedies for violations of children's rights to freedom of expression, peaceful assembly and association.

31. States should foster, recognize and support the positive contribution of children to environmental sustainability and climate justice, as an important means of civil and political engagement through which children can negotiate and advocate for the realization of their rights, including their right to a healthy environment, and hold States accountable.

## **F. Access to information (arts. 13 and 17)**

32. Access to information is essential for enabling children and their parents or caregivers to comprehend the potential effects of environmental harm on children's rights. It is also a crucial prerequisite for realizing the rights of children to express their views, to be heard and to effective remedy regarding environmental matters.

33. Children have the right to access to accurate and reliable environmental information, including about the causes, effects and actual and potential sources of climate and environmental harm, adaptive responses, relevant climate and environmental legislation, regulations, findings from climate and environmental impact assessments, policies and plans and sustainable lifestyle choices. Such information empowers children to learn what they can do in their immediate environment related to waste management, recycling and consumption behaviours.

34. States have an obligation to make environmental information available. Dissemination methods should be appropriate to children's ages and capacities and aimed at overcoming obstacles, such as illiteracy, disability, language barriers, distance and limited access to information and communications technology. States should encourage the media to disseminate accurate information and materials regarding the environment, for example, measures that children and their families can take to manage risks in the context of climate change-related disasters.

## **G. Right to freedom from all forms of violence (art. 19)**

35. Environmental degradation, including the climate crisis, is a form of structural violence against children and can cause social collapse in communities and families. Poverty, economic and social inequalities, food insecurity and forced displacement aggravate the risk that children will experience violence, abuse and exploitation. For example, poorer households are less resilient to environment-related shocks, including those caused or exacerbated by climate change, such as rising sea levels, floods, cyclones, air pollution, extreme weather events, desertification, deforestation, droughts, fires, storms and biodiversity loss. The financial hardships, food and clean water shortages and fragile child protection systems brought about by such shocks undermine families' daily routines, place

an extra burden on children and increase their vulnerability to gender-based violence, child marriage, female genital mutilation, child labour, abduction, trafficking, displacement, sexual violence and exploitation and recruitment into criminal, armed and/or violent extremist groups. Children must be protected from all forms of physical and psychological violence and from exposure to violence, such as domestic violence or violence inflicted on animals.

36. Investment in children's services can considerably reduce the overall environmental risks faced by children worldwide. States should adopt cross-sectoral measures to address the drivers of violence against children linked to environmental degradation.

## **H. Right to the highest attainable standard of health (art. 24)**

37. The right to health includes the enjoyment of a variety of facilities, goods, services and conditions that are necessary for the realization of the highest attainable standard of health, including a healthy environment. This right is dependent on and is indispensable to the enjoyment of many other rights under the Convention.

38. Environmental pollution is a major threat to children's health, as explicitly recognized in article 24 (2) (c) of the Convention. However, in many countries, pollution is often overlooked and its impact underestimated. Lack of potable water, inadequate sanitation and household air pollution pose serious threats to children's health. Pollution associated with past and present industrial activities, including exposure to toxic substances and hazardous waste, presents more complex threats to health, often resulting in effects long after exposure.

39. Climate change, biodiversity loss and the degradation of ecosystems are obstacles to the realization of children's right to health. These environmental factors often interact, exacerbating existing health disparities. For example, rising temperatures caused by climate change increase the risk of vector-borne and zoonotic diseases and concentrations of air pollutants that stunt brain and lung development and exacerbate respiratory conditions. Climate change, pollution and toxic substances all represent key drivers of the alarming loss in biodiversity and the degradation of ecosystems on which human health depends. Specific effects include reductions in microbial diversity, which is critical to the development of children's immune systems, and the increasing prevalence of autoimmune diseases, with long-term effects.

40. Air and water pollution, exposure to toxic substances, including chemical fertilizers, soil and land degradation and other types of environmental harm increase child mortality, especially among children under 5 years of age, and contribute to the prevalence of disease, impaired brain development and subsequent cognitive deficits. The effects of climate change, including water scarcity, food insecurity, vector-borne and waterborne diseases, the intensification of air pollution and physical trauma linked to both sudden- and slow-onset events, are disproportionately borne by children.<sup>9</sup>

41. Another concern is children's current and anticipated psychosocial and mental health conditions caused by environmental harm, including climate change-related events. The clear emerging link between environmental harm and children's mental health, such as depression and eco-anxiety, requires pressing attention, both in terms of response and prevention programmes, by public health and education authorities.

42. States should integrate measures to address environmental health concerns relevant to children into their national plans, policies and strategies relating to both health and the environment. Legislative, regulatory and institutional frameworks, including regulations dealing with the business sector, should effectively protect children's environmental health where they live, study, play and work. Environmental health standards should be consistent with the best available science and all relevant international guidelines, such as those established by the World Health Organization, and be strictly enforced. The obligations of

<sup>9</sup> For example, Intergovernmental Panel on Climate Change, Sixth Assessment Report, Summary for Policymakers, figure SPM.1, The data show the disproportionate, cumulative and long-term effects of climate change on people born in 2020.

States under article 24 of the Convention also apply when developing and implementing environmental agreements to address transboundary and global threats to children's health.

43. The right to health includes access for children affected by environmental harm to high-quality public health and health-care facilities, goods and services, and particular attention should be given to underserved and hard-to-reach populations and to delivering high-quality prenatal maternal health care nationwide. Facilities, programmes and services should be equipped to respond to environmental health hazards. Health protection also applies to the conditions that children need to lead a healthy life, such as a safe climate, safe and clean drinking water and sanitation, sustainable energy, adequate housing, access to nutritionally adequate and safe food and healthy working conditions.

44. The availability of high-quality data is crucial for adequate protection against climate and environmental health risks. States should assess the local, national and transboundary health effects of environmental harm, including the causes of mortality and morbidity, while taking into consideration the entire life course of children and the vulnerabilities and inequalities that they face at each life stage. Priority concerns, the impacts of climate change and emerging environmental health issues should be identified. In addition to data collected through routine health information systems, research is required, for example, for longitudinal cohort studies and studies of pregnant women, infants and children that capture risks at critical windows of development.

## **I. Right to social security and adequate standard of living (arts. 26 and 27)**

45. Children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development. A clean, healthy and sustainable environment is a prerequisite for the realization of this right, including to adequate housing, food security and safe and clean drinking water and sanitation.<sup>10</sup>

46. The Committee underlines that the rights to adequate housing, food, water and sanitation should be realized sustainably, including with respect to material consumption, resource and energy use and the appropriation of space and nature.

47. Exposure to environmental harm has both direct and structural causes and exacerbates the effects of multidimensional child poverty. In the environmental context, social security, as guaranteed under article 26 of the Convention, is particularly relevant. States are urged to introduce features into social security policies and social protection floors that provide children and their families with protection against environmental shocks and slow-onset harms, including from climate change. States should strengthen child-centred poverty alleviation programmes in the areas that are most vulnerable to environmental risks.

48. Children, including displaced children, should have access to adequate housing that conforms to international human rights standards. Housing should be sustainable and resilient and should not be built on polluted sites or in areas facing a high risk of environmental degradation. Homes should have safe and sustainable sources of energy for cooking, heating, lighting and appropriate ventilation and be free from mould, toxic substances and smoke. There should be effective management of waste and litter, protection from traffic, excessive noise and overcrowding and access to safe drinking water and sustainable sanitation and hygiene facilities.

49. Children should not be subject to forced evictions without prior provision of adequate alternative accommodation, including relocation linked to development and infrastructure projects addressing energy and/or climate mitigation and adaptation action. Child rights impact assessments should be a prerequisite for such projects. Particular attention should be paid to preserving the traditional land of Indigenous children and protecting the quality of

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<sup>10</sup> Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 3; and Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, para. 48.

the natural environment for the enjoyment of their rights, including their right to an adequate standard of living.<sup>11</sup>

50. In situations of cross-border displacement and migration linked to climate-related and environment-related events and related to armed conflict situations, the Committee underlines the importance of international cooperation and the obligation of States to undertake all appropriate legislative, administrative and other measures to ensure the rights under the Convention for all children within their jurisdiction, without discrimination. Relevant authorities should consider the risk of children's rights violations caused by the impacts of environmental degradation, including climate change, when deciding upon admission and when reviewing claims for international protection, in particular given, for example, the particularly serious consequences for children of the insufficient provision of food or health services. States should not deport children and their families to any place where they would face a real risk of grave violations as a result of the adverse effects of environmental degradation.

## **J. Right to education (arts. 28 and 29 (1) (e))**

51. Education is one of the cornerstones of a child rights-based approach to the environment. Children have highlighted that education is instrumental in protecting their rights and the environment and in increasing their awareness and preparedness for environmental damage; however, the right to education is highly vulnerable to the impact of environmental harm, as it can result in school closures and disruptions, school dropout and the destruction of schools and places to play.

52. Article 29 (1) (e) of the Convention, requiring that the education of a child be directed to the development of respect for the natural environment, should be read in conjunction with article 28, to ensure that every child has the right to receive an education that reflects environmental values.<sup>12</sup>

53. A rights-based environmental education should be transformative, inclusive, child-centred, child-friendly and empowering. It should pursue the development of the child's personality, talents and abilities, acknowledge the close interrelationship between respect for the natural environment and other ethical values enshrined in article 29 (1) of the Convention and have both a local and global orientation.<sup>13</sup> School curricula should be tailored to children's specific environmental, social, economic and cultural contexts and promote understanding of the contexts of other children affected by environmental degradation. Teaching materials should provide scientifically accurate, up-to-date and developmentally and age-appropriate environmental information. All children should be equipped with the skills necessary to face expected environmental challenges in life, such as disaster risks and environment-related health impacts, including the ability to critically reflect upon such challenges, solve problems, make well-balanced decisions and assume environmental responsibility, such as through sustainable lifestyles and consumption, in accordance with their evolving capacities.

54. Environmental values should be reflected in the education and training of all professionals involved in education, encompassing teaching methods, technologies and approaches used in education, school environments and preparing children for green jobs. Environmental education extends beyond formal schooling to embrace the broad range of lived experiences and learning. Exploratory, non-formal and practical methods, such as outdoor learning, are a preferred way of delivering this aim of education.

55. States should build safe, healthy and resilient infrastructure for effective learning. This includes ensuring the availability of pedestrian and biking routes and public transportation to school and that schools and alternative learning facilities are located at safe distances from sources of pollution, flooding, landslides and other environmental hazards, including

<sup>11</sup> General comment No. 11 (2009) on Indigenous children and their rights under the Convention, paras. 34 and 35.

<sup>12</sup> General comment No. 1 (2001) on the aims of education, para. 13.

<sup>13</sup> *Ibid.*, paras. 2, 12 and 13.

contaminated sites, and the construction of buildings and classrooms with adequate heating and cooling and access to sufficient, safe and acceptable drinking water<sup>14</sup> and sanitation facilities. Environmentally friendly school facilities, such as those with lighting and heating sourced from renewable energy and edible gardens, can benefit children and ensure compliance by States with their environmental obligations.

56. During and after water scarcity, sandstorms, heatwaves and other severe weather events, States should ensure physical access to schools, especially for children in remote or rural communities, or consider alternative teaching methods, such as mobile educational facilities and distance learning. Underserved communities should be prioritized for the climate-proofing and renovation of schools. States should ensure alternative housing for displaced populations as soon as possible to ensure that schools are not used as shelters. When responding to emergencies caused by severe weather events in areas already affected by armed conflict, States should ensure that schools do not become targets for armed groups' activity.

57. States should recognize and address the disproportionate indirect and knock-on effects of environmental degradation on children's education, paying special attention to gender-specific situations, such as children leaving school due to additional domestic and economic burdens in households facing environment-related shocks and stress.

## **K. Rights of Indigenous children and children belonging to minority groups (art. 30)**

58. Indigenous children are disproportionately affected by biodiversity loss, pollution and climate change. States should closely consider the impact of environmental harm, such as deforestation, on traditional land and culture and the quality of the natural environment, while ensuring the rights to life, survival and development of Indigenous children. States must undertake measures to meaningfully engage with Indigenous children and their families in responding to environmental harm, including harm caused by climate change, taking due account of and integrating concepts from Indigenous cultures and traditional knowledge in mitigation and adaptation measures. While children in Indigenous communities face unique risks, they can also act as educators and advocates in applying traditional knowledge to reduce the impact of local hazards and strengthen resilience, if this knowledge is passed on and supported. Comparable measures should be taken regarding the rights of children belonging to non-Indigenous minority groups whose rights, way of life and cultural identity are intimately related to nature.

## **L. Right to rest, play, leisure and recreation (art. 31)**

59. Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy and physical, social, cognitive and emotional strength and skills. Play and recreation contribute to all aspects of learning, are critical to children's holistic development<sup>15</sup> and afford important opportunities for children to explore and experience the natural world and biodiversity, benefiting their mental health and well-being and contributing to understanding, appreciation and care for the natural environment.

60. Conversely, unsafe and hazardous environments undermine the realization of the rights under article 31 (1) of the Convention and are risk factors for children's health, development and safety. Children need inclusive spaces for play that are close to their homes and free from environmental hazards. The impacts of climate change exacerbate these challenges, while climate change-related stress on household incomes may reduce children's available time for, and ability to engage in, rest, leisure, recreation and play.

<sup>14</sup> Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002), paras. 12 (c) (i) and 16 (b).

<sup>15</sup> General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, paras. 9 and 14 (c).

61. States shall take effective legislative, administrative and other measures to ensure that all children, without discrimination, are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds. In public planning, in rural and urban settings, children's views should be given due weight and the creation of environments promoting their well-being should be prioritized. Consideration should be given to: (a) providing access, by means of safe, affordable and accessible transportation, to green areas, large open spaces and nature for play and recreation; (b) creating a safe local environment that is for free play, free from pollution, hazardous chemicals and waste; and (c) undertaking road traffic measures to reduce pollution levels near households, schools and playgrounds, including through the design of zones in which children playing, walking and cycling have priority.

62. States should introduce legislation, regulations and guidelines, accompanied by necessary budgetary allocations and effective monitoring and enforcement mechanisms, to ensure that third parties comply with article 31 of the Convention, including by establishing safety standards for all toys and play and recreational facilities, in particular concerning toxic substances, in urban and rural development projects. In situations of climate change-related disasters, measures should be taken to restore and protect these rights, including through the creation or restoration of safe spaces and by encouraging play and creative expression to promote resilience and psychological healing.

### III. Right to a clean, healthy and sustainable environment

63. Children have the right to a clean, healthy and sustainable environment. This right is implicit in the Convention and directly linked to, in particular, the rights to life, survival and development, under article 6, to the highest attainable standard of health, including taking into consideration the dangers and risks of environmental pollution, under article 24, to an adequate standard of living, under article 27, and to education, under article 28, including the development of respect for the natural environment, under article 29.

64. The substantive elements of this right are profoundly important for children, given that they include clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments.<sup>16</sup>

65. Towards the realization of this right for children, the Committee considers that States should immediately take the following action:

- (a) Improve air quality, by reducing both outdoor and household air pollution, to prevent child mortality, especially among children under 5 years of age;
- (b) Ensure access to safe and sufficient water and sanitation and healthy aquatic ecosystems to prevent the spread of waterborne illnesses among children;
- (c) Transform industrial agriculture and fisheries to produce healthy and sustainable food aimed at preventing malnutrition and promoting children's growth and development;
- (d) Equitably phase out the use of coal, oil and natural gas, ensure a fair and just transition of energy sources and invest in renewable energy, energy storage and energy efficiency to address the climate crisis;
- (e) Conserve, protect and restore biodiversity;
- (f) Prevent marine pollution, by banning the direct or indirect introduction of substances into the marine environment that are hazardous to children's health and marine ecosystems;<sup>17</sup>

<sup>16</sup> See [A/74/161](#), [A/75/161](#), [A/76/179](#), [A/HRC/40/55](#), [A/HRC/46/28](#) and [A/HRC/49/53](#).

<sup>17</sup> Convention for the Protection of the Marine Environment of the North-East Atlantic, art. 2.2 (a).

(g) Closely regulate and eliminate, as appropriate, the production, sale, use and release of toxic substances that have disproportionate adverse health effects on children, in particular those substances that are developmental neurotoxins.<sup>18</sup>

66. Procedural elements, including access to information, participation in decision-making and child-friendly access to justice, with effective remedies, have equal importance to the empowerment of children, including through education, to become agents of their own destiny.

67. States should incorporate children's right to a clean, healthy and sustainable environment into their national legislation and take adequate measures to implement it in order to strengthen accountability. This right should be mainstreamed across all decisions and measures concerning children, including policies related to education, leisure, play, access to green spaces, child protection, children's health and migration, and national frameworks for the implementation of the Convention.

## **IV. General measures of implementation (art. 4)**

### **A. Obligation of States to respect, protect and fulfil children's rights**

68. States must ensure a clean, healthy and sustainable environment in order to respect, protect and fulfil children's rights. The obligation to respect children's rights requires States to refrain from violating them by causing environmental harm. They shall protect children against environmental damage from other sources and third parties, including by regulating business enterprises. States parties are also under the obligation to prevent and remediate the impacts of environmental hazards on children's rights, even where such threats are beyond human control, for example, by establishing inclusive early warning systems. States must take urgent steps to fulfil their obligation to facilitate, promote and provide for the enjoyment by children of their rights, including their right to a clean, healthy and sustainable environment, such as by transitioning to clean energy and adopting strategies and programmes to ensure the sustainable use of water resources.

69. States have a due diligence obligation to take appropriate preventive measures to protect children against reasonably foreseeable environmental harm and violations of their rights, paying due regard to the precautionary principle. This includes assessing the environmental impacts of policies and projects, identifying and preventing foreseeable harm, mitigating such harm if it is not preventable and providing for timely and effective remedies to redress both foreseeable and actual harm.

70. States are also obliged to respect, protect and fulfil children's rights that are exercised in relation to the environment. The obligation to respect rights requires that they refrain from any action that would limit children's right to express their views on matters relating to the environment and from impeding access to accurate environmental information, and protect children from misinformation concerning environmental risks and from the risk of violence or other reprisals. The obligation to fulfil rights requires that States combat negative societal attitudes to children's right to be heard and to facilitate their meaningful participation in environmental decision-making.

71. States must take deliberate, specific and targeted steps towards achieving the full and effective enjoyment of children's rights related to the environment, including their right to a healthy environment, including through the development of legislation, policies, strategies or plans that are science-based and consistent with relevant international guidelines related to environmental health and safety and by refraining from taking retrogressive measures that are less protective of children.

72. States are obliged to devote financial, natural, human, technological, institutional and informational resources to realize children's rights in relation to the environment to the

<sup>18</sup> See [A/HRC/49/53](#).



maximum extent of their available resources and, where needed, within the framework of international cooperation.<sup>19</sup>

73. Subject to any obligations under international law, including those contained in multilateral environmental agreements to which they are party, States retain discretion in arriving at a reasonable balance between determining the appropriate levels of environmental protection and achieving other social goals in the light of available resources. Nevertheless, such leeway is limited by the obligations of States under the Convention. Children are far more likely than adults to suffer serious harm, including irreversible and lifelong consequences and death, from environmental degradation. Given their heightened duty of care, States should therefore set and enforce environmental standards that protect children from such disproportionate and long-term effects.<sup>20</sup>

74. States should ensure the collection of reliable, regularly updated and disaggregated data and research on environmental harm, including the risks and actual impacts of climate change-related harm on children's rights. They should include longitudinal data on the effects of environmental harm on children's rights, in particular on health, education and standard of living at different ages. Such data and research should inform the formulation and evaluation of environmental legislation, policies, programmes and plans at all levels and must be made publicly available.

## **B. Child rights impact assessments**

75. All proposed environment-related legislation, policies, projects, regulations, budgets and decisions, and those already in force, require vigorous children's rights impact assessments, in accordance with article 3 (1) of the Convention. States should require the assessment, both before and after implementation, of the possible direct and indirect impact on the environment and climate, including the transboundary, cumulative, and both production and consumption effects, on the enjoyment of children's rights.

76. Whether child rights impact assessments are included within the framework of an environmental or integrated impact assessment, or carried out as a standalone assessment, they should incorporate a special regard for the differential impact of environmental decisions on children, in particular young children and other groups of children most at risk, as measured against all relevant rights under the Convention, including short-, medium- and long-term, combined and irreversible impacts, interactive and cumulative impacts and impacts in the different stages of childhood. For example, States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions.

77. Child rights impact assessments should be undertaken as early as possible in the decision-making process, at crucial stages of decision-making and in follow up to the measures taken. Such assessments should be conducted with the participation of children and due weight should be given to their views and those of thematic experts. The findings should be published in child-friendly language and in the languages that children use.

## **C. Children's rights and the business sector**

78. Businesses have the responsibility to respect children's rights in relation to the environment. States have the obligation to protect against the abuse of child rights by third parties, including business enterprises.<sup>21</sup>

79. Business activity is a source of significant environmental damage, contributing to child rights abuses. Such damage results, for example, from the production, use, release and disposal of hazardous and toxic substances, the extraction and burning of fossil fuels,

<sup>19</sup> General comment No. 19 (2016) on public budgeting for the realization of children's rights, para. 75.

<sup>20</sup> *A/HRC/37/58*, paras. 56 and 57.

<sup>21</sup> General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, paras. 28, 42 and 82.

industrial air and water pollution and unsustainable agriculture and fishing practices. Businesses contribute significantly to greenhouse gas emissions, which adversely affect children's rights, and to short- and long-term infringements of their rights linked to the consequences of climate change. The impacts of business activities and operations may undermine the ability of children and their families to adapt to the impacts of climate change, for example, where land has been degraded, thereby exacerbating climate stress. States should strengthen the realization of children's rights by sharing and making accessible existing technologies and exerting influence on business operations and value chains to prevent, mitigate and adapt to climate change.

80. States have obligations to provide a framework to ensure that businesses respect children's rights through effective, child-sensitive legislation, regulation, enforcement and policies and remedial, monitoring, coordination, collaboration and awareness-raising measures. States should require businesses to undertake child rights due diligence procedures to identify, prevent, mitigate and account for their impact on the environment and children's rights. Such due diligence is a risk-based process that involves focusing efforts where the risks from environmental damage are severe and likely to materialize, paying special attention to the risk exposure of certain groups of children, such as working children. Immediate steps should be taken in the event that children are identified as victims to prevent further harm to their health and development and to adequately and effectively repair the damage done in a timely and effective manner.

81. The Committee recommends the development by businesses, in partnership with stakeholders, including children, of due diligence procedures that integrate children's rights impact assessments into their operations. Marketing standards should ensure that businesses do not mislead consumers, in particular children, through practices of green-washing or green-sheening, by which businesses falsely portray efforts to prevent or mitigate environmental harm.

#### **D. Access to justice and remedies**

82. Effective remedies should be available to redress violations and promote social justice.<sup>22</sup> Despite children having been at the vanguard of several environmental and climate change cases and their recognition under the Convention as rights holders, children, due to their status, encounter barriers to attaining legal standing in many States, thereby limiting their means of asserting their rights in the environmental context.

83. States should provide access to justice pathways for children, including complaint mechanisms that are child-friendly, gender-responsive and disability-inclusive, to ensure their engagement with effective judicial, quasi-judicial and non-judicial mechanisms, including child-centred national human rights institutions, for violations of their rights relating to environmental harm. This includes removing barriers for children to initiate proceedings themselves, adjusting the rules of standing and empowering national human rights institutions with mandates to receive complaints from children.

84. Mechanisms should be available for claims of imminent or foreseeable harms and past or current violations of children's rights. States should ensure that these mechanisms are readily available to all children under their jurisdiction, without discrimination, including children outside their territory affected by transboundary harm resulting from States' acts or omissions occurring within their territories.

85. States should provide for collective complaints, such as class action suits and public interest litigation,<sup>23</sup> and extend the limitation periods regarding violations of children's rights due to environmental harm.

86. The complexity of cases involving environmental harm due to transboundary effects, causation and cumulative impacts necessitates effective legal representation. Litigation is

<sup>22</sup> General comment No. 5 (2003) on general measures of implementation of the Convention, para. 24; and International Covenant on Civil and Political Rights, art. 2 (3).

<sup>23</sup> General comment No. 16 (2013), para. 68; and general comment No. 25 (2021), para. 44.

often a lengthy process, and supranational bodies generally require the exhaustion of domestic remedies prior to filing a complaint. Children should have access to free legal and other appropriate assistance, including legal aid and effective legal representation, and be provided the opportunity to be heard in any judicial or administrative proceedings affecting them. States should consider additional measures to lower the costs for children seeking remedies, for example, through protection from adverse cost orders, to limit the financial risk to children who bring cases in the public interest regarding environmental matters.

87. To enhance accountability and promote children's access to justice in environmental matters, States should explore options for shifting the onerous burden of proof from child plaintiffs to establish causation in the face of numerous variables and information deficits.

88. Children may face particular difficulties in obtaining remedies in cases involving business enterprises that may be causing or contributing to abuses of their rights, especially concerning transboundary and global impacts. States have an obligation to establish non-judicial and judicial mechanisms to provide access to effective remedies for abuses of children's rights by business enterprises, including as a result of their extraterritorial activities and operations, provided that there is a reasonable link between the State and the conduct concerned. In line with international standards, businesses are expected to establish or participate in effective grievance mechanisms for children who have been victims of such abuses of their rights. States should also ensure the availability of regulatory agencies, monitor abuses and provide adequate remedies for violations of children's rights related to environmental harm.

89. Appropriate reparation includes restitution, adequate compensation, satisfaction, rehabilitation and guarantees of non-repetition, with regard to both the environment and the children affected, including access to medical and psychological assistance. Remedial mechanisms should consider the specific vulnerabilities of children to the effects of environmental degradation, including the possible irreversibility and lifelong nature of the harm. Reparation should be swift, to limit ongoing and future violations. The application of novel forms of remedy is encouraged, such as orders to establish intergenerational committees, in which children are active participants, to determine and oversee the expeditious implementation of measures to mitigate and adapt to the impacts of climate change.

90. Access to applicable international and regional human rights mechanisms should be available, including through ratification of the Optional Protocol on a communications procedure. Information about such mechanisms and how to use them should be made widely known to children, parents, caregivers and professionals working with and for children.

## **E. International cooperation**

91. States have an obligation to take action, separately and jointly, through international cooperation, to respect, protect and fulfil children's rights. Article 4 of the Convention emphasizes that the implementation of the Convention is a cooperative exercise for the States of the world,<sup>24</sup> and the full realization of children's rights under the Convention is in part contingent upon how States interact. Climate change, pollution and biodiversity loss clearly represent urgent examples of global threats to children's rights that require States to work together, calling for the widest possible cooperation by all countries and their participation in an effective and appropriate international response.<sup>25</sup> The obligations of international cooperation of each State depends in part on its situation. In the context of climate change, such obligations are appropriately guided by taking into account the historical and current emissions of greenhouse gases and the concept of common but differentiated responsibilities and States' respective capabilities, in the light of different national circumstances,<sup>26</sup> while requiring the provision of technical and financial assistance from developed States to

<sup>24</sup> General comment No. 5 (2003), para. 60.

<sup>25</sup> United Nations Framework Convention on Climate Change, preamble; and Human Rights Council resolutions 26/27 and 29/15.

<sup>26</sup> United Nations Framework Convention on Climate Change, preamble and art. 3 (1); Paris Agreement, art. 2 (2); and Human Rights Council resolutions 26/27 and 29/15.

developing States consistent with article 4 of the Convention. States should engage in international cooperation to ensure the conformity of standards for developing and implementing children's rights and environmental due diligence procedures.

92. In general, developed States have committed to supporting action to address the intersecting global environmental challenges in developing countries by facilitating the transfer of green technology and contributing to financing environmental measures, in line with internationally agreed climate and biodiversity finance goals. The Convention should be a core consideration in global environmental decisions, including in States' international mitigation, adaptation and loss and damage strategies.<sup>27</sup> The environment-related programmes of donor States should be rights-based, while States that receive international environmental finance and assistance should consider allocating a substantive part of that aid specifically to child-focused programmes. Implementation guidelines should be reviewed and updated to take into account the child rights obligations of States.

93. States should ensure that environmental measures supported by international environmental finance mechanisms and international organizations respect, protect and proactively seek to fulfil children's rights. States should integrate standards and procedures to assess the risk of harm to children into the planning and implementation of new environment-related projects and take measures to mitigate the risks of harm, in compliance with the Convention and the Optional Protocols thereto. States should cooperate to support the establishment and implementation of procedures and mechanisms to provide access to effective remedies for violations of children's rights in this context.

94. States should cooperate in good faith in the establishment and funding of global responses to address environmental harm suffered by people in vulnerable situations, paying particular attention to safeguarding the rights of children in the light of their specific vulnerabilities to environment-related risks and addressing the devastating impact of both sudden- and slow-onset forms of climate disruption on children, their communities and their nations. States should cooperate to invest in conflict prevention and efforts to sustain peace that will positively contribute to mitigating any environmental harm to children that could result from armed conflict and should consider the views of children in peacemaking and peacebuilding.

## V. Climate change

### A. Mitigation

95. The Committee calls for urgent collective action by all States to mitigate greenhouse gas emissions, in line with their human rights obligations. In particular, historical and current major emitters should take the lead in mitigation efforts.

96. Insufficient progress in achieving international commitments to limit global warming exposes children to continuous and rapidly increasing harms associated with greater concentrations of greenhouse gas emissions and the resulting temperature increases. Scientists warn about tipping points, which are thresholds beyond which certain effects can no longer be avoided, posing dire and uncertain risks to children's rights. Avoiding tipping points requires urgent and ambitious action to reduce atmospheric concentrations of greenhouse gases.

97. Mitigation objectives and measures should be based on the best available science and be regularly reviewed to ensure a pathway to net zero carbon emissions at the latest by 2050 in a manner that prevents harm to children. The Intergovernmental Panel on Climate Change has illustrated that it is imperative to accelerate mitigation efforts in the near term, to limit the temperature increase to below 1.5°C above pre-industrial levels, and that international cooperation, equity and rights-based approaches are critical to achieving ambitious climate change mitigation goals.<sup>28</sup>

<sup>27</sup> United Nations Framework Convention on Climate Change, art. 4 (5); and Paris Agreement, art. 9 (1).

<sup>28</sup> See <https://www.ipcc.ch/assessment-report/ar6/>.

98. When determining the appropriateness of their mitigation measures in accordance with the Convention, and also mindful of the need to prevent and address any potential adverse effects of those measures, States should take into account the following criteria:

(a) Mitigation objectives and measures should clearly indicate how they respect, protect and fulfil children's rights under the Convention. States should transparently and explicitly focus on children's rights when preparing, communicating and updating nationally determined contributions.<sup>29</sup> This obligation extends to other processes, including biennial transparency reports, international assessments and reviews and international consultations and analyses;<sup>30</sup>

(b) States have an individual responsibility to mitigate climate change in order to fulfil their obligations under the Convention and international environmental law, including the commitment contained in the Paris Agreement to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels by 2030.<sup>31</sup> Mitigation measures should reflect each State party's fair share of the global effort to mitigate climate change, in the light of the total reductions necessary to protect against continuing and worsening violations of children's rights. Each State, and all States working together, should continuously strengthen climate commitments in line with the highest possible ambition and their common but differentiated responsibilities and respective capacities. High-income States should continue to take the lead by undertaking economy-wide absolute emission reduction targets, and all States should enhance their mitigation measures in the light of their different national circumstances in a manner that protects children's rights to the maximum possible extent;<sup>32</sup>

(c) Successive mitigation measures and updated pledges should represent the efforts of States in a progression over time,<sup>33</sup> keeping in mind that the time frame for preventing catastrophic climate change and harm to children's rights is shorter and requires urgent action;

(d) Short-term mitigation measures should take into consideration the fact that delaying a rapid phase out of fossil fuels will result in higher cumulative emissions and thereby greater foreseeable harm to children's rights;

(e) Mitigation measures cannot rely on removing greenhouse gases from the atmosphere in the future through unproven technologies. States should prioritize rapid and effective emissions reductions now in order to support children's full enjoyment of their rights in the shortest possible period of time and to avoid irreversible damage to nature.<sup>34</sup>

99. States should discontinue subsidies to public or private actors for investments in activities and infrastructure that are inconsistent with low greenhouse gas emission pathways, as a mitigation measure to prevent further damage and risk.

100. Developed States should assist developing countries in planning and implementing mitigation measures, in order to help children in vulnerable situations. The assistance could include providing financial and technical expertise and information and other capacity-building measures that specifically contribute to the prevention of harm to children caused by climate change.<sup>35</sup>

<sup>29</sup> Paris Agreement, art. 4 (2).

<sup>30</sup> *Ibid.*, art. 14 (4).

<sup>31</sup> *Ibid.*, art. 2 (1) (a); and *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), para. 10.6. See also *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019), *Sacchi et al. v. France* (CRC/C/88/D/106/2019) and *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019) and *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019).

<sup>32</sup> Paris Agreement, art. 4 (4).

<sup>33</sup> *Ibid.*, arts. 3 and 4 (3).

<sup>34</sup> United Nations Framework Convention on Climate Change, arts. 4 (1) (h)–(j) and (2) (b); and Paris Agreement, preamble and arts. 4 (8), 12 and 13.

<sup>35</sup> Paris Agreement, art. 13 (9).

## **B. Adaptation**

101. Since climate change-related impacts on children's rights are intensifying, a sharp and urgent increase in the design and implementation of child-sensitive, gender-responsive and disability-inclusive adaptation measures and associated resources is necessary. States should identify climate change-related vulnerabilities among children concerning the availability, quality, equity and sustainability of essential services for children, such as water and sanitation, health care, protection, nutrition and education. States should enhance the climate resilience of their legal and institutional frameworks and ensure that their national adaptation plans and existing social, environmental and budgetary policies address climate change-related risk factors by assisting children within their jurisdiction to adapt to the unavoidable effects of climate change. Examples of such measures include strengthening child protection systems in risk-prone contexts, providing adequate access to water, sanitation and health care, as well as safe school environments, and strengthening social safety nets and protection frameworks, while giving priority to children's right to life, survival and development. Healthy ecosystems and biodiversity also play an important role in supporting resilience and disaster risk reduction.

102. In adaptation measures, including disaster risk reduction, preparedness, response and recovery measures, due weight should be given to the views of children. Children should be equipped to understand the effects of climate-related decisions on their rights and have opportunities to meaningfully and effectively participate in decision-making processes. Neither the design nor the implementation of adaptation measures should discriminate against groups of children at heightened risk, such as young children, girls, children with disabilities, children in situations of migration, Indigenous children and children in situations of poverty or armed conflict. States should take additional measures to ensure that children in vulnerable situations affected by climate change enjoy their rights, including by addressing the underlying causes of vulnerability.

103. Adaptation measures should be targeted at reducing both the short-term and the long-term impacts, such as by sustaining livelihoods, protecting schools and developing sustainable water management systems. Measures that are necessary to protect children's rights to life and health from imminent threats, such as extreme weather events, include establishing early warning systems and increasing the physical safety and resilience of infrastructure, including school, water and sanitation and health infrastructure, to reduce the risk of climate change-related hazards. States should adopt emergency response plans, such as measures to provide inclusive early warning systems, humanitarian assistance and access to food and water and sanitation for all. In formulating adaptive measures, the relevant national and international standards, such as those contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, should also be considered. Adaptation frameworks should address climate change-induced migration and displacement and include provisions for ensuring a child rights-based approach to these issues. In the event of imminent threats of climate change-related harm, such as extreme weather events, States should ensure the immediate dissemination of all information that would enable children and their caregivers and communities to take protective measures. States should strengthen awareness among children and their communities of disaster risk reduction and prevention measures.

## **C. Loss and damage**

104. In the Paris Agreement, the parties addressed the importance of averting, minimizing and addressing loss and damage associated with the adverse impacts of climate change. Through a human rights lens, the adverse impacts of climate change have led to significant losses and damages, in particular for those in the developing world.

105. The manner in which climate-related loss and damage affect children and their rights may be both direct and indirect. Direct impacts include instances where both sudden-onset extreme weather events, such as floods and heavy rains, and slow-onset events, such as droughts, lead to the violation of rights under the Convention. Indirect impacts may include situations in which States, communities and parents are forced to reallocate resources away

from intended programmes, such as those for education and health care, towards addressing environmental crises.

106. In this respect, it is critical to acknowledge loss and damage as a third pillar of climate action, along with mitigation and adaptation. States are encouraged to take note that, from a human rights perspective, loss and damage are closely related to the right to remedy and the principle of reparations, including restitution, compensation and rehabilitation.<sup>36</sup> States should undertake measures, including through international cooperation, to provide financial and technical assistance for addressing loss and damage that have an impact on the enjoyment of the rights under the Convention.

#### **D. Business and climate change**

107. States must take all necessary, appropriate and reasonable measures to protect against harms to children's rights related to climate change that are caused or perpetuated by business enterprises, while businesses have the responsibility to respect children's rights in relation to climate change. States should ensure that businesses rapidly reduce their emissions and should require businesses, including financial institutions, to conduct environmental impact assessments and children's rights due diligence procedures to ensure that they identify, prevent, mitigate and account for how they address actual and potential adverse climate change-related impacts on children's rights, including those resulting from production-related and consumption-related activities and those connected to their value chains and global operations.<sup>37</sup>

108. Home States have obligations to address any harm and climate change-related risks to children's rights in the context of business enterprises' extraterritorial activities and operations, provided that there is a reasonable link between the State and the conduct concerned, and should enable access to effective remedies for rights violations. This includes cooperation to ensure the compliance of business enterprises operating transnationally with applicable environmental standards aimed at protecting children's rights from climate change-related harm and the provision of international assistance and cooperation with investigations and enforcement of proceedings in other States.<sup>38</sup>

109. States should incentivize sustainable investment in and use of renewable energy, energy storage and energy efficiency, in particular by State-owned or controlled enterprises and those that receive substantial support and services from State agencies. States should enforce progressive taxation schemes and adopt strict sustainability requirements for public procurement contracts.<sup>39</sup> States can also encourage community control over the generation, management, transmission and distribution of energy to increase access to and the affordability of renewable technology and the provision of sustainable energy products and services, in particular at the community level.

110. States should ensure that their obligations under trade or investment agreements do not impede their ability to meet their human rights obligations and that such agreements promote rapid reductions in greenhouse gas emissions and other measures to mitigate the causes and effects of climate change, including through the facilitation of investment in renewable energy.<sup>40</sup> The climate change-related impacts on children's rights connected to the implementation of the agreements should be regularly assessed, allowing for corrective measures, as appropriate.

<sup>36</sup> [A/77/226](#), para. 26.

<sup>37</sup> General comment No. 16 (2013), para. 62.

<sup>38</sup> *Ibid.*, paras. 43 and 44.

<sup>39</sup> *Ibid.*, para. 27.

<sup>40</sup> Committee on Economic, Social and Cultural Rights general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 13.

## E. Climate finance

111. Both international climate finance providers and recipient States should ensure that climate finance mechanisms are anchored in a child rights-based approach aligned with the Convention and the Optional Protocols thereto. States should ensure that any climate finance mechanisms uphold and do not violate children's rights, increase policy coherence between children's rights obligations and other objectives, such as economic development, and strengthen the demarcation of roles of various stakeholders in climate finance, such as Governments, financial institutions, including banks, businesses and affected communities, especially children.

112. In line with the principle of common but differentiated responsibilities and respective capabilities, States' national circumstances need to be taken into account in efforts to address climate change. Developed States should cooperate with developing States in providing climate finance for climate action that upholds children's rights, in line with the international climate-related commitments that States have made. In particular, despite the link between various financing mechanisms, including on sustainable development, climate finance provided by developed States should be transparent, additional to other financial flows that support children's rights and properly accounted for, including by avoiding tracking challenges such as double counting.

113. Developed States need to urgently and collectively address the current climate finance gap. The current distribution of climate finance, which is overly slanted towards mitigation at the cost of adaptation and loss and damage measures, has discriminatory effects on children who reside in settings where more adaptation measures are needed and children who are confronted with the limitations of adaptation. States should bridge the global climate finance gap and ensure that measures are financed in a balanced manner with consideration given to measures on adaptation, mitigation, loss and damage and broader means of implementation, such as technical assistance and capacity-building. The determination by States of the total global climate finance required should be informed by the documented needs of communities, especially to protect children and their rights. Climate finance provided to developing countries should be in the form of grants, rather than loans, to avoid negative impacts on children's rights.

114. States should ensure and facilitate access for affected communities, especially children, to information on activities supported by climate finance, including possibilities to lodge complaints alleging violations of children's rights. States should devolve decision-making on climate finance to strengthen the participation of beneficiary communities, especially children, and make the approval and execution of climate finance subject to a child rights impact assessment to prevent and address the financing of measures that could lead to the violation of children's rights.

115. Children are calling for the collective action of States. According to two children consulted for the present general comment: "The Governments of each country should cooperate to reduce climate change." "They need to acknowledge us and say, 'we hear you; here is what we are going to do about this problem'."<sup>41</sup>

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<sup>41</sup> See <https://childrightsenvironment.org/reports/>.