**Comment on the Concept Note on the Draft General Comment No. 26 on Children’s Rights and the Environment with a Special Focus on Climate Change**

1. The Government of Canada appreciates the work of the Committee on the Rights of the Child in monitoring States Parties’ implementation of the *Convention on the Rights of the Child* (the “Convention”) and the work on this Concept Note.  Canada thanks the Committee for the opportunity to comment on the Concept Note in advance of the drafting of the Draft General Comment Number 26.
2. Canada thanks the Committee for its thoughtful work in making important linkages between children’s rights and the environment, and looks forward to the Committee’s further guidance on children’s rights obligations related to the environment and climate change more specifically. This General Comment is particularly timely as the effects of environmental degradation and climate change become ever more apparent and severe, and as many States Parties to the Convention urgently develop policies, both domestically and internationally, to address critical environmental issues.
3. The comments below are not exhaustive, but rather highlight Canada’s positions and suggest important elements of consideration in respect of what might be examined by the Committee in the General Comment. Canada would welcome the opportunity to provide further comments once a draft becomes available.
4. First, noting that the Committee intends to consider the concept of States’ extraterritorial obligations, Canada notes the language of Article 2(1) of the Convention, which provides that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction…”. Canada reiterates its position that the obligation of each state to respectand ensure human rights is primarily restricted to each state’s territory, which is subject to its jurisdiction.  International human rights law (including the *Convention on the Rights of the Child*, other human rights treaties, and customary international law) cannot impose an obligation on states to protect the rights of persons who are entirely outside of states’ jurisdiction.
5. Canada notes that the scope of the Concept Note extends to “the obligations […] that are owed to children in the context of the environment with a special focus on climate change” and that the Committee intends to “Clarify the extent of States’ obligations relating to climate change and children’s rights”.  Canada would like to note that it does not fall within the Committee’s purview to give its views on the interpretation or the scope of States’ obligations under multilateral environmental agreements or other international instruments pertaining to the environment or climate change.
6. Taking note of the Committee’s intention to examine concepts of “future generations” and “intergenerational equity” in its General Comment, Canada recalls that the Convention applies to human beings below the age of 18, unless the age of majority is attained earlier under the law applicable to the child. It does not apply to the unborn or to future generations that are not yet alive. Canada notes that some international instruments recognize the concept of “intergenerational equity”, but no binding international legal instrument defines the elements of the concept, and no international consensus exists as to either its definition or its application. Canada therefore invites the Committee to use caution when considering how to apply this concept in its General Comment. Canada welcomes guidance from the Committee on this concept, to the extent that it relates to the rights of children under the Convention.  Canada recognizes State obligations under the Convention and other international human rights instruments not to discriminate on the basis of age, and to ensure that children enjoy substantive equality and special protection where needed.
7. In conclusion, Canada reiterates its appreciation of the opportunity to review the Concept Note on the Draft General Comment No. 26, and more generally its support for the work of the Committee. Canada avails itself of the opportunity to renew to the Committee the assurances of its highest consideration.