***The Strengthened Role and Responsibility of IHRIs in Tackling Climate Change***

Comment on draft general comment number 26 on children’s rights and the environment

with a special focus on climate change

February 15, 2023

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Overview: Independent Human Rights Institutions (IHRIs) can and should play a crucial role in monitoring and advancing children’s rights around the environment, especially when it comes to climate change.

General Comments 2 and 5: The UN Committee on the Rights of the Child (CRC Committee) in its General Comments 2 (2002) on “The role of independent national human rights institutions in the promotion and protection of the rights of the child” and General Comment 5 (2003) on “General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)” calls on the State Parties to establish independent, national human rights institutions. The GCs highlight the child protection responsibilities of these institutions under Article 4 of the UN Convention on the Rights of the Child (UN CRC). General Comments 2 ask State Parties to review the effectiveness of their existing institutions with due respect to their status in accordance with the UN Paris Principles (UN General Assembly, 1993), which set minimum standards for human rights institutions. Through General Comment 5, the CRC Committee asserts that an independent institution with responsibility for promoting and protecting children’s rights is a core element of a State Party’s commitment to the practical application of the Convention.

IHRIs can and do play vital roles in advancing the rights of the child, including realization of children’s rights to remedy. Not only do the impacts of climate change significantly undermine, they can render null and void the effective enjoyment of the rights enshrined in the UN Convention on the Rights of the Child (UN CRC). Scientific research indicates that environmental and climate harms threaten and conflict with young person’s rights to life, survival and development (art. 6), family relations and not to be separated from one’s parents against one’s will (arts. 9-10), the highest attainable standard of health (art. 24), adequate standard of living (art. 27), education (art. 28), freedom from any form of violence or exploitation (arts. 19, 32 and 34-36), recreation and play (art. 31) and the enjoyment of one’s culture (art. 30), as well as other rights, such as the human right to science (ICESCR Article 15). Indeed, environmental and climate decay may lead to significant harms to young people’s lives and futures, as well as those of their families, communities, societies, and futures.

Identification of environmental and climate change as problems for children’s rights: The CRC Committee has clearly identified climate change as one of the biggest threats to children’s health and has urged States Parties to put children’s health concerns at the center of their climate change adaptation and mitigation strategies.[[3]](#footnote-4) Despite data and research explicitly linking environmental harm to child rights violations, as well as increasing knowledge of environmental crises and existing numerous international agreements, public understanding of the clear relationship between children’s rights and environment and climate harms requires elaboration and public discussion, including impacts of environmental and climate harms on young people and their rights. IHRIs are uniquely suited to lead efforts to hold public discussions that identify these harms and what responses are expected in consideration of children’s rights.

Problems for IHRIs when it comes to environmental/climate change: Evidence indicates many IRHIs do not confront issues around environmental and climate change when it comes to children’s rights. Part of this problem is circular. Because many IHRIs do not host conversations around climate change, young people are not aware of dangers arising from environmental/climate change and how their rights matter to this set of issues. As a result, most young people are unaware of how their rights matter to battling environmental and climate change.

The Strengthened Role and Responsibility of IHRIs in Tackling Climate Change: The UN Committee’s General Comment 2 identifies powers and responsibilities belonging to IHRIs that are especially relevant to children’s rights in the face of environmental/climate change. IHRIs must recognize the multi-faceted problems of environmental/climate change for children’s rights. IHRIs not only must recognize their responsibilities when it comes to children’s rights and environmental/climate change, they must act to fulfill those obligations by employing powers they are expected to possess. These powers include:

 **Powers**

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| Hear any young person about environmental/climate change, including complaints and petitions |
| Obtain information about environmental/climate change pertaining to children’s rights |
| Document environmental/climate change pertaining to children’s rights |
| Carry out investigations around environmental/climate change pertaining to children’s rights |
| Access evidence regarding environmental/climate change pertaining to children’s rights |
| Promote attention to and education around children’s rights pertaining to environmental/climate change |
| Provide independent advice to young people about their rights pertaining to environmental/climate change |
| Advocate on behalf of young people when it comes to their rights pertaining to environmental/climate change |
| Support children who are taking cases to court and to the CRC individual communication procedure |

IHRIs should deploy these powers to fulfill responsibilities they have to children. Those **responsibilities** include:

 **Responsibilities**

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| Act in regard to children’s rights around environment/climate change regarding the State as well as public and private entities involved in environment/climate change. |
| Proactively reach out to young people, especially children who are vulnerable and disadvantaged. |
| Maintain accessibility to young people. |
| Advocate for and facilitate meaningful participation of young people, especially in regards to environmental/climate change. |
| Prepare reports available and useful to children. |
| File reports with Parliaments and make reports publicly available. |
| File opinions about impacts of environmental/climate change on children’s rights and steps adults must take to protect young people when it comes to environmental/climate harms. |
| Ensure that children’s views are expressed and heard when it comes to environmental/climate change. |
| Promote harmonization of national legislation, regulations and practices with the Convention and other international human rights instruments, especially ones involving environmental/climate change. |

As the CRC states, IHRIs have a key role to play in promoting respect for children’s views in all matters affecting them. This point clearly applies to environmental/climate change. As draft GC 26 notes, environmental/climate change is a global threat. IHRIs should be enabled and encouraged to cooperate across national borders.

The UN Committee should challenge IHRIs to think about and serve the interests of future generations of children and young people, including their rights to safe, healthy, and secure futures.

GC 26 should add a new item under II. K, which states:

*71. States should strengthen the capacities of independent human rights / children rights institutions and reinforce the crucial roles IHRIs should play, the powers they possess, and responsibilities they should fulfill when it comes to children’s rights in tackling environmental/climate change.*

Faithfully submitted,

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3. UN 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. 50. [↑](#footnote-ref-4)