**UN CRC General Comment on children’s rights and the environment**

**with a special focus on climate change**

Inputs from Child Rights Coalition Asia (CRC Asia)

as informed by a regional consultation with 70 participants (48 females, 20 males, 2 non-binary) representing 40 civil society organizations, 2 national human rights institutions, and

2 academic institutions from 14 countries in Asia and the Pacific

held via online videoconferencing on 9 February 2023

All suggested modifications and additions to the draft are in red text. Explanations are added in [brackets] and footnotes.

**General comments on the draft**

We recommend moving up the mention of the right to a healthy a healthy environment with reference to the resolution adopted by the UN General Assembly in July 2022 (A/RES/76/300). Doing so would help in linking the analysis of the articles in the Convention with this newly recognized human right.

We also recommend that the four General Principles, as overarching rights, be presented at the beginning of the discussion on specific rights. We further propose that specific rights be presented according to the reporting clusters.

References on "climate change” should be consistent all throughout the document and incorporated, with a sense of urgency, on the discussion of States parties obligations.

**I. Introduction**

**Para. 5:** ... A clean, healthy and sustainable environment forms the basis for the full enjoyment of distinct yet interconnected children’s rights, ... All types of environmental harm can have adverse, direct and indirect effects on children, which often interact, and can be lifelong and irreversible. Lack of or delayed action could lead to n~~N~~ew environmental challenges ~~may arise~~ in the future, for example linked to technological and economic development and social changes....

**A. A child rights-based approach to the environment**

**Para 7:** … The child rights-based approach pays particular attention to the multiple and intersecting barriers faced by groups of children in disadvantaged or marginalized situations in enjoying their rights related to the environment. Children are not a homogenous group (CRC/C/GC/14 para.55). Gender, diversity, backgrounds, and different contexts contribute to the disproportional impacts of environmental degradation and climate change to children.

**Para. 8:** … Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children including girls, boys, children of diverse SOGIE, children with disabilities, indigenous children, children in conflict situations, children of internally displaced communities, refugees, children victims of disasters, andchildren working in hazardous conditions.

**C. Objectives**

**Para. 11 (a):** Emphasize the urgent need to address the adverse and gender-differentiated effects of environmental harm and climate change on children;

**Para. 11 (c):** Clarify the obligations of States parties to the Convention… to be undertaken with respect to environmental issues, with a special focus on climate change, and in relation to the right to a clean, healthy, and sustainable environment

**II. Key Concepts**

**Para. 13:** …. ~~Securing~~ To secure the realization of the right of each child to development to the maximum extent in the optimal environment necessarily, ~~requires~~ States ~~to~~ should implement their obligations under the Convention, taking into consideration short-, medium- and long-term effects of actions related to the development of the child over time.…

[Add as a new concept:] “Just Transition” [The General Comment should recognize the importance of taking urgent actions to address environmental degradation and climate change without leaving anyone behind.]

**III. Specific rights of the Convention as they relate to the environment**

**A. The right to life, survival and development (art. 6)**

**1. Right to life**

**Para. 16**: …States should adopt environmental standards that are protective of children’s right to life, for example related to air quality, soil pollution, lead exposure and greenhouse gas emissions, and adopt special measures of protection of children, especially young children, and those in disadvantaged situations and hard-to-reach areas.

**B. The right to the highest attainable standard of health (art. 24)**

**Para. 23:** The right to health includes access to timely and appropriate health-care services, including sexual and reproductive health services, and to the underlying determinants of health, such as a healthy environment, clean drinking water, healthy food, and the facilities,….

**Para. 24**: … However, in many countries, pollution (air, water, soil, and plastic[[1]](#footnote-1)) is often overlooked and its impact, underestimated. Pollution associated with industrialization and may transcend beyond geographical borders, including exposure to toxic substances and hazardous waste, present more complex and uncertain threats to health, including sexual and reproductive health, often resulting in effects long after exposure.

**Para. 25**: ... Specific impacts include reductions in microbial diversity, critical to the development of children’s immune systems and to the increasing prevalence of autoimmune diseases, with long term effects. The scarcity and lack of access to clean water due to extreme weather events increase the risks of children, especially girls, to diseases affecting their sexual reproductive systems.

**Para. 26:** Prevent Under-five mortality and diseases at various stages of the life cycle ~~can be prevented~~ through the reduction of air pollution,....

**Para. 27:** [Add after the last sentence:] The violation of the children’s right to be heard while taking action to address climate change and environmental degradation, as experienced by child environment human rights defenders[[2]](#footnote-2) and witnessed by other children, further causes harm to children’s mental health. States must take proactive measures to ensure children’s mental health and psychosocial well-being.

**Para. 28:** States should adopt a comprehensive process, inclusive of child rights impact assessment, for identifying and addressing environmental health concerns relevant to children within their national plan, policy or strategy...

**Para. 29:** ~~The right to health includes the access of~~ children affected by environmental harm should have access to functioning public health and health-care facilities, …. Health protection also applies to the conditions in which children can lead a healthy life, such as the provision of safe and clean drinking water and sanitation, adequate housing, access to nutritionally adequate and safe food, and healthy environment ~~working~~[[3]](#footnote-3)conditions.

**Para. 30**: Availability of quality and gender-disaggregated data is crucial for adequate protection against environmental health risks. States should assess local, national and transboundary health, and gender-differentiated effects of environmental harm,…

[Suggested additional paragraph on nutrition:] States parties must ensure that access to adequate nutrition of all children is not disrupted by environment degradation and climate change. Interventions should favor the promotion and availability of fresh produce over processed options. Breastfeeding must be promoted and supported.

**C. The right to education (arts. 28 and 29 (1) (e))**

**Para. 33:** … Curricula should reflect changing environments and new environmental science. It should also include critical thinking to find trusted sources and guidance against false narratives, disinformation, and information on climate change. ~~Teaching~~ Learning materials should provide accurate, updated and age- and developmentally-appropriate environmental information. These should be accessible to those who are not part of formal learning institutions.

**Para. 34:** Educational measures should acknowledge the close interrelationship between respect for the natural environment and other ethical values enshrined in article 29 (1) of the Convention, including respect for human rights, such as the right to a clean, healthy, and sustainable environment, …

**Para. 35.**: ... Exploratory, non-formal and practical methods such as outdoor learning and environment-conscious activities are an important way of delivering this aim of education.

**Para. 36:** [Add after the last sentence:] States parties should ensure that the learning of children is protected from disruptions caused by disasters and extreme whether events. The Committee recommends States parties to develop and facilitate disaster-preparedness plans that prevent the prolonged use of educational structures and facilities as evacuation centers.

**F. The right of Indigenous children (art. 30)**

**Para. 49:** … States should also undertake measures to ~~engage with~~ include Indigenous children and their families in responding to climate change ....

**H. The best interests of the child (art. 3)**

**Para. 52** - .... These include laws, regulations, protocols, policies, standards and guidelines….

**I. The right of the child to be heard (art. 12)**

**Para. 56**: …Even from an early age, children can enhance the quality of environmental solutions, for example by ensuring their meaningful participation and providing invaluable insights into issues such as the effectiveness of early warning systems for environmental hazards. Children’s views should be considered in the design, ~~and~~ implementation, and monitoring of measures aimed at addressing the significant and long-term environmental challenges that are fundamentally shaping their lives, directly or indirectly…. [Add as last sentence:] States parties should also support children’s participation in the ethical conduct of research, child-led or otherwise.

**Para. 57:** States should ensure that age-appropriate, gender-sensitive and inclusive mechanisms are in place.... [Add as last sentence:] States parties must give due weight to children’s views. Mechanisms for child participation should be institutionalized in the decision-making processes at subnational, national, regional and international levels. These mechanisms must always include ways to inform children of the outcome of such processes and explain how their views were acted upon.

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

**Para. 60:** ... States are required to protect the rights of environmental child human rights defenders, including through the provision of a safe and empowering context for initiatives organized by children to defend human rights. States should provide child human rights defenders with appropriate support and protection, including access to resources and effective remedies in accessing justice.…. [Add as last sentence:] States parties should also protect children whose parents and caregivers are environmental human rights defenders. There should be comprehensive and holistic plan of care for children whose parents and caregivers are being threatened or are killed for doing environmental activism.

[Suggested additional paragraph:] States parties must support and ensure the provision of safe and inclusive spaces for children to be involved in children’s associations and child-led groups at subnational, national, regional and international levels, according to their interest. Support should also be provided to allow for children to learn from and with their peers in other communities, including overseas.

**IV. The right to a clean, healthy and sustainable environment**

**Para. 71:** Children have the right to a clean, healthy and sustainable environment. The States parties should recognize this right and its realization….

**V. General obligations of States**

**A. The obligation to respect, protect and fulfil**

**Para. 77:** …States are also obliged to protect children from misinformation concerning environmental risks, ~~and~~ from the risk of violence and exploitation and abuse due to disruptions caused by disasters, conflicts, and extreme weathers events, and ~~or~~ from other reprisals and conflicts arising from issues of environment in all possible spaces [e.g. court proceedings], including conflicts among divided communities [e.g. pro and against the operations of mining/large scale plantations/fossil fuels and nuclear power] or in arguments that could result to children in different situations to be in conflict with one another [e.g. children in rural communities vs. children in urban communities in the establishment of a hydro-electric dam]….

**Para. 78:** … States shall not take retrogressive measures that are less protective of children without convincing justification. The best available science should always guide decisions and investments.

**Para. 79:** Upholding the principles of public budgeting for children’s rights (CRC/C/GC/19 para. 57-63), States are obligated to devote the maximum available financial, natural, human, technological, institutional and informational resources…

**Para. 80:** … Therefore, States should set and enforce environmental standards that protect children from these disproportionate and long-term effects, in adherence to the principle of intergenerational equity.

**C. Access to information**

**Para. 85**: [Add after the last sentence:] States parties should ensure that children have access to these quality and evidence-based information.

**Para. 86:** … States should ~~encourage~~ provide and support the creation and dissemination of ~~the mass media to disseminate~~ information and materials, including in mass media and digital media, regarding the environment, for example, measures that children and their families can take to manage risks in the context of climate-related disasters. Materials should also be designed for and accessible to parents, caregivers, and other adults providing support and reinforcing learning of children outside the formal education systems.

**D. Child rights impact assessments**

**Para. 87**: All proposed legislation, policy, regulations, budget or other administrative decisions related to the environment requires vigorous child rights impact assessments at subnational, national, regional and international levels, taking into consideration the intersecting and gender differentiated impacts....

**Para. 88**: ... This includes long-term impacts, gender-differentiated impacts, interactive impacts and impacts on the different stages of childhood…

**F. Children’s rights and the business sector**

**Para. 92:** States have obligations to provide a framework to ensure that businesses respect the rights of the child, through effective legislation, regulation and enforcement, as well as policy, remedial, monitoring, coordination, collaboration and awareness-raising measures. States must exercise leadership in regulating the activities of businesses, including state-owned enterprises, at subnational and national levels…. A stricter process of due diligence is required where there is a high risk that certain groups of children such as those working unacceptably[[4]](#footnote-4) in hazardous conditions are exposed to environmental risks through business activities across supply chains….

[Suggested additional paragraph on strengthening advice for States:] States should ensure coherence and synergy of measures, with clear and authoritative roles for the different units of governments, at subnational and national levels in favor of children’s right to a clean, healthy and sustainable environment; develop and implement measures, at subnational, national and international levels, that will deter businesses from causing any form of violation on the rights of children and will hold erring businesses accountable. The measures should ensure timely access to justice of victims and survivors, including the possibility of receiving compensation and reparation for the damage and loss suffered due to destruction of the natural environment and infrastructure, especially for children and their families.

**G. International cooperation**

**Para. 94:** The Committee highlights the transboundary nature of issues of children’s rights in relation to the environment and climate change. States have obligations to take actions, ….

[Suggested additional paragraph:] States parties’ participation in intergovernmental mechanisms must always be guided by the child rights-based approach. States parties must collaborate in mainstreaming children’s rights, including child participation, in intergovernmental mechanisms at regional and international levels. Bilateral or multilateral cooperation to uphold children’s right to clean, healthy, and sustainable environment must be promoted especially in countries without existing regional mechanisms. Furthermore, States’ participation in intergovernmental arrangements, especially between developed and developing countries, should not include conditions around carbon trading. The role of States in raising people’s awareness about children’s rights, the environment, climate change, and the best available science should also be discussed at regional and international levels.

**VI. Climate change**

**A. State obligations, implementation and accountability**

**Para. 102:** States’ obligations under the Convention should reflect their commitments under the international climate change regime and the best available climate science, namely their agreed objective to ~~achieve the global goal to limit global warming to well below 2°C, while pursuing efforts to limit the temperature increase to~~ ensure that global temperature does not increase beyond 1.5°C that could lead to serious violations to children’s rights….

**B. Adaptation**

**Para. 106** - …Furthermore, adaptation frameworks should address climate-related migration and include provisions for ensuring a child rights-based approach to migration and development.

**E. Climate Finance**

**Para. 119:** Both international climate finance providers and recipient States should undertake to uphold that climate finance mechanisms are anchored on a child rights-based approach under the Convention and its Optional Protocols and related General Comments (CRC/C/GC/19)

1. <https://www.weforum.org/agenda/2018/09/asia-s-plastic-problem-is-choking-the-world-s-oceans-here-s-how-to-fix-it/> ; <https://www.reuters.com/article/us-asia-waste-philippines-idUSKCN1VO0G3> - Tiny plastic packages used to have smaller portions, and make the product more affordable to those living in poverty contribute to plastic pollution. [↑](#footnote-ref-1)
2. <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf> [↑](#footnote-ref-2)
3. Suggestion to delete to avoid being misconstrued as a statement of acceptance of child labor [↑](#footnote-ref-3)
4. Suggestion to add to avoid being misconstrued as a statement of acceptance of child labor [↑](#footnote-ref-4)