**Defence for Children International’s Contribution to the Committee on the Rights of the Child Draft General Comment No. 26 (202x)**

**Children’s rights and the environment with a special focus on climate change**

**February 2023**

[**Defence for Children International**](https://defenceforchildren.org/)(DCI) is an international grassroots non-governmental organisation that has been promoting and protecting children's rights since 1979, and was involved in the drafting of the United Nations Convention on the Rights of the Child (UNCRC), as well as other UN instruments and initiatives, for example in the field of justice for children. Since 2014, DCI is leading together with Human Rights Watch, the NGO Panel for the [**UN Global Study on Children Deprived of Liberty** (GSCDL)](https://childrendeprivedofliberty.info/about/the-ngo-panel-for-the-global-study-on-children-deprived-of-liberty/), which was developed and successfully delivered to the General Assembly in October 2019 by the Independent Expert, Prof. Manfred Nowak (A/74/137).

DCI welcomes the call for comments on the draft general comment on children’s rights and the environment with a special focus on climate change. The suggested inputs below provide clarification to certain issues and highlight areas that could require further visibility within the General Comment. The comments are structured according to the outline in the draft General Comment.

**II. Key concepts**

1. **Sustainable development**

DCI suggests reinforcing the notion of no child being left behind. An approach to implementing the Sustainable Development Goals in which children's rights and wellbeing are placed front and centre is not only a human rights imperative but can catalyse sustainable development by breaking down the transfer of poverty and exclusion from one generation to the next. As such, progress can be accelerated by prioritizing children's rights in action plans on the SDGs, as a child rights-based approach multiplies future development gains.

1. **Intergenerational equity and future generations**

Today, for the first time, a global generation of children will grow up in a world made far more dangerous and uncertain by changing climate and a degraded environment. The lifestyles and decisions being made today, and in the past, have surely had consequences in an inalterable way for generations to come. Climate justice deserves to be understood in a broader dimension because the impacts of global warming go beyond the geographic and economic scales. In fact, it has a dimension of time across generations. If it is legitimate to say climate justice is owed to poorer countries that suffer the most severe climate damages, it is also true that we will owe justice to our children and grandchildren.

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

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

In paragraph 26, when mentioning the major threat of environmental health, it could be worth adding that children’s bodies and minds are still at a developing stage and they are more vulnerable than adults to consequences of environmental stressors.

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

In paragraph 31, we suggest adding that research[[1]](#footnote-1) has revealed significant declines in school attendance, especially of girls, after floods or during droughts. When a disaster strikes, children face higher risks of family separation, and sometimes exploitation, sexual abuse or trafficking.

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

In paragraph 57, with regard to the mechanisms for child participation we suggest adding that in addition to being age-appropriate, they are also safe, inclusive and gender-responsive[[2]](#footnote-2) spaces for children, where children are not only heard but actively listened to according to the mode of expression of their choice. The General Comment should reinforce that States should ensure that all potential barriers to participation are removed creating an inclusive space open to all children, especially those who may be de facto excluded from consultations such as young children, children with disabilities or children who speak a different language. When providing feedback to children, States should also clarify the extent of the influence children will have on the process[[3]](#footnote-3). The paragraph could read as follows:

States should ensure that **safe, inclusive, gender-responsive** and age-appropriate mechanisms are in place for children’s views to be heard **and actively listened** to regularly **according to the mode of expression of their choice** and at all stages of the environmental decision-making process for legislation, policies, regulations, projects and activities that may affect them at sub-national, national and international levels. **States should ensure that all potential barriers to participation are removed creating an inclusive space open to all children**. For voluntary, respectful and transparent participation, children should be provided with environmental and human rights education, age-appropriate information, adequate time and resources and a supportive and enabling environment. They should receive information about outcomes of environment-related consultations and **feedback on the extent of the influence they have** and how their views were considered and have access to complaints procedures and remedies when their right to be heard in the environmental context is disregarded.

In paragraph 58, we suggest clarifying how youth participation should be used to enhance child participation in environmental decision-making.

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

We urge the Committee to draw the attention of States to the particular barrier faced by **girls** when exercising their right to freedom of expression, association and peaceful assembly. Girls and young women experience double discrimination based on age and gender and face many barriers that prevent them from organising and expressing themselves, such as gender-based violence. The work of challenging social norms is complicated, but girls have proven to be an indispensable force in advocating for their rights. Girls who defend human rights are a very important driver for generating positive change. Girls should be enabled and empowered to organise themselves and assemble in a safe way. Law enforcement agencies have an essential role to play in facilitating this. Law enforcement agents must refrain from excessive use of force and must provide appropriate protection for girls and women who are participating in peaceful assemblies.

Girl human rights defenders make a specific contribution to advocating for social change, but they face particular challenges and require special protections. In July 2019, the Human Rights Council adopted Resolution A/HRC/41/L.6/Rev.1[[4]](#footnote-4) on the elimination of all forms of discrimination against women and girls, in which it recognised girl human rights defenders and urged states “to develop, support and protect an enabling environment for the full, meaningful and equal participation of women’s rights organizations, feminist groups and women and girl human rights defenders and youth-led organizations in the creation, design and implementation of all legislation and policies relevant to substantive gender equality”. States should fully implement this resolution.

The UN Working Group on discrimination against women and girls highlighted in their Girls’ and young women’s activism report that “girl activists face particular challenges owing to common misperceptions around children’s right to participation in political and public life, restrictions on their autonomy, disregard for their best interests, paternalistic control and superficial, tokenistic involvement in diverse processes. Additional barriers include deep-rooted structural gender- and age-based discrimination, which is frequently exacerbated by other forms of discrimination including, but not limited to, race, ethnicity, health status, sexual orientation, gender identity and disability, combined with marginalization and exclusion, poverty, lack of access to education, lack of safety and security, hostile environments in the private and public spheres and a lack of resources.”[[5]](#footnote-5)

States should put in place effective protection systems to safeguard girl and young women activists against any form of discrimination, intimidation or reprisal, whether in private or public life, and ensure that protection measures are not used to diminish the scope of their activism.

It is concerning that in addition to various reprisals that child human rights defenders may face for their activism, they also risk arrest and/or detention. The Committee should reiterate its provisions in its General Comment 24 (paragraphs 85,86,87,88) with regard to children who are arrested and/or detained whilst exercising their right to freedom of expression, association and peaceful assembly. States should be reminded of the international legal standards on justice for children.

**V. General obligations of States**

 A. The obligation to respect, protect and fulfil

In paragraph 79, we suggest adding that States should establish well-funded institutions for environmental and disaster management, ensuring that they reflect child friendly, gender sensitivity and family welfare centred principles and approach.

Furthermore, we suggest adding the following paragraphs to this section:

* States should take proactive measures to map out disaster prone areas particularly around cities and prevent families from settling there. States should also ensure that human settlements that often face disasters such as flood should be improved or relocated in accordance with guidelines of the UN Habitat. Human settlements that cause serious environmental problems for other settlements should also be addressed**.**
* States should take urgent measures to address current life-threatening environmental problems that particularly put children at risk. This requires states to map out existing environmental problems such as disaster-prone human settlements and develop actionable plans to address the problems.
* States should be transparent with citizens about agreements signed by investors in relation to use of the environment and must prioritise adherence to recommendations from environmental and child rights impact assessment done in relation to the project.
* States sharing borders should take collective and joint approach involving their citizens living in border communities in addressing their common environmental problems in peaceful manner and should do everything possible to prevent conflict that may further deteriorate the environment and put children and their families in greater danger.

We urge the Committee to address the legal vacuum regarding **children on the move in the context of climate change** by which forcibly displaced children are left without legal protection or assistance, and children remain largely absent from policies on climate related displacement[[6]](#footnote-6). For example, according to a UNICEF report, only 42 per cent of all Nationally Determined Contributions (NDCs) submitted under the Paris Agreement contain direct reference to children or youth while only 20 per cent mention children specifically[[7]](#footnote-7).

The coming decades will see an increasing need for children to flee their region or country for climate related reasons and seek protection elsewhere, it is paramount that States are able to respond to this growing demand. It is also important to take into consideration that children who are already on the move will be disproportionately exposed to climate and environmental risks. Decision makers on children on the move in the context of climate change must consider how those decisions will impact children and whether they are in the best interest of the child[[8]](#footnote-8). States must explicitly include these children in migration policies.

We urge the Committee to highlight that climate change exacerbates **gender inequalities and girls** disproportionately bear the brunt of the climate emergency[[9]](#footnote-9). As highlighted by the UN Special Rapporteur on Violence against Women and Girls “The combined impacts of sudden-onset natural disasters and slow-onset events, environmental degradation and forced displacement seriously affect women’s and girls’ rights to life, access to food and nutrition, safe drinking water and sanitation, education and training, adequate housing, land, decent work and labour protection. The prolonged exposure to health risks, such as chemicals in pesticides or persistent organic pollutants, disrupt the endocrine system of women and girls differently, including with pregnancies. The lack of safe water results in water-borne diseases, both of which have negative consequences for breastfeeding and pregnant women”. States need to adopt a gender-responsive approach when addressing the climate change. As recommended by the UN Special Rapporteur on Violence against Women and Girls “girls should be placed at the centre of climate change mitigation and adaptation policies and All stakeholders should ensure that women and girls participate fully and effectively in all processes that are intended to design, implement, monitor and evaluate mitigation and response to climate change, environmental degradation and disaster risk reduction at the international, regional and national levels”[[10]](#footnote-10).

1. **Access to information**

In paragraph 89, it should be made clear that **girls** face great obstacles to accessing information about their human rights and the mechanisms available to them to seek protection against violations of their rights and reparations in cases of violations, sometimes including a lack of specific forms of reparation. In this regard it was recommended by the UN Working Group on Discrimination against Women and Girls that States “Provide all girls and young women with comprehensive, free, accessible and age-, disability- and gender-sensitive information including language-accessible and culturally sensitive measures to enable them to cultivate and exercise their activism”[[11]](#footnote-11).

In paragraph 90, we suggest adding that updated information on environmental issues should always be available and accessible to children. This includes seasonal information that can guide children and their families to avoid seasonal based environmental disasters.

1. <https://www.unicef.org/turkiye/en/press-releases/climate-crisis-child-rights-crisis> [↑](#footnote-ref-1)
2. A/HRC/50/25, Girls’ and young women’s activism Report of the Working Group on discrimination against women and girls <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/338/13/PDF/G2233813.pdf?OpenElement> [↑](#footnote-ref-2)
3. Space, Voice, Audience and Influence: The Lundy Model of Participation (2007) in Child Welfare Practice [↑](#footnote-ref-3)
4. <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/L.6/Rev.1> [↑](#footnote-ref-4)
5. A/HRC/50/25, Girls’ and young women’s activism Report of the Working Group on discrimination against women and girls <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/338/13/PDF/G2233813.pdf?OpenElement> [↑](#footnote-ref-5)
6. Climate mobility and children Featured project | Spotlighting how climate change is forcing children from their homes <https://www.unicef.org/globalinsight/climate-mobility-and-children> [↑](#footnote-ref-6)
7. ‘Are Climate Change Policies Child Sensitive?’, UNICEF, 2019, <https://www.unicef.org/media/62956/file/Are%20climate%20change%20policies%20childsensitive?.pdf> [↑](#footnote-ref-7)
8. UN Guiding Principles for Children on the Move in the Context of Climate Change [↑](#footnote-ref-8)
9. UNHCR, Gender, Displacement and Climate Change <https://www.unhcr.org/5f21565b4.pdf> [↑](#footnote-ref-9)
10. A/77/136, Special Rapporteur on violence against women and girls, its causes and consequences <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/418/07/PDF/N2241807.pdf?OpenElement> [↑](#footnote-ref-10)
11. A/HRC/50/25, Girls’ and young women’s activism Report of the Working Group on discrimination against women and girls <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/338/13/PDF/G2233813.pdf?OpenElement> [↑](#footnote-ref-11)