9th February 2023

**Freedom to breathe campaign response to draft General Comment No. 26 on children’s rights and the environment, with a special focus on climate change**

**Acknowledgments and context**

The Freedom to breathe campaign would like to formally congratulate the UN Committee on the Rights of the Child (UNCRC) on the development of draft General Comment No. 26 on children’s rights and the environment, with a special focus on climate change.

We have admired the Committee’s efforts to engage children directly by establishing the Children’s Advisory Team, ensuring the development of child-friendly versions of the draft, and your commitment to the development of a Children’s Global Charter on children’s rights, the environment and climate change.

Child participation has been at the heart of our Freedom to breathe campaign, which began in 2021 when we found that children worldwide worried about air pollution and wished that their right to clean air would be recognized by the United Nations.

We worked with partners across the world to deliver a curriculum linked educational programme, which helped young people understand the state of air quality in their cities, the health harms of poor air quality, and simple measures they could take at home and in school to protect themselves from breathing harmful pollutants.

As a result, 29,720 children and young people from Cameroon, China, India, UK, US and South Africa in November 2021 called on the UNCRC for acknowledgement of children’s right to clean air.

During 2022, we know that many of these children voiced their concerns on air pollution and how it affects their lives, by engaging with the formal General Comment 26 child-friendly consultation process.

**Our thoughts on draft General Comment 26: All children must be protected**  
Moving to the existing draft of General Comment 26, we are delighted to note that the Committee has clarified that the ‘right to a clean, healthy and sustainable environment’ (s.71) includes substantive elements, one being, the right of children to breathe clean air (s.72).

While we are also pleased to note the qualification of s.72 in s.73 (a) that confirms, towards the realisation of this right, immediate actions to take include*:*

*“Improve air quality by reducing both outdoor and household air pollution to prevent under-five mortality;”* [s.73(a)]

we believe that this narrow focus on the prevention of deaths in children under five years implies that children older than five years are not protected.

In our view, **all children (up to 18 years) should be protected under the provisions outlined in General Comment 26**.

In addition, we are aware that while states have the mandate to steer households to adopt positive behaviours that encourage useful practical measures, such as ventilating homes, and avoidance of burning combustion materials, which generate harmful pollutants, they can only promote adoption of such measures.

Contrastingly, states have a legal duty to protect the health of children in state-owned premises, such as, nurseries/kindergarten, schools and colleges, hospitals and doctor’s surgeries, and state-provided accommodation, such as social housing.

The pressing need for states to assume this duty of care responsibility has come to light through the tragic death of Awaab Ishak in the UK, who died in 2020 as a direct result of chronic black mould which affected his breathing while at home in his social housing accommodation[[1]](#footnote-2).

Therefore, we would like to see the scope of section 73(a) broadened to include ’indoor air pollution’, more generally, rather the narrow focus on households.

In conclusion, we offer our recommendations on both aforementioned points in the form of suggestive alternative text, which we hope the Committee will strongly consider.

Suggested text: ***“Improve air quality by reducing both outdoor and indoor air pollution to prevent child mortality;”***

We extend our sincere thanks to all the members of the UN Committee on the Rights of the Child for permitting us the opportunity to comment on the draft General Comment 26.

We look forward to reading the revised and final version in 2023.

Yours faithfully, the founders, partners and supporters of the Freedom to breathe campaign

**Organisations**

1. **Association for the Promotion of Youth Leadership, Advocacy and Volunteerism Cameroon**
2. **Asthma + Lung UK**
3. **Bangkok Patana School**
4. **Blueair**
5. **Center for Research on Energy and Clean Air**
6. **Centre for Environment Education**
7. **Children’s Rights Alliance for England**
8. **Clean Air in London**
9. **ClientEarth**
10. **Coalition for Clean Air**
11. **Faculty of Public Health**
12. **Global Action Plan**
13. **Global Alliance on Health and Pollution**
14. **Global Centre for Clean Air Research (GCARE), University of Surrey**
15. **Global Shaper Bangkok Hub**
16. **Mums for Lungs**
17. **Modeshift**
18. **Thailand Clean Air Network**
19. **The Ella Roberta Family Foundation**
20. **Warrior Moms**

**Individuals**

1. **Dr. Jonathan Grigg MD**, Professor of Paediatric Respiratory and Environmental Medicine, Queen Mary University of London / Chair of the Royal College of Paediatrics (RCPCH) and report ‘*The inside story: Health effects of indoor air quality on children and young people’* RCPCH and Royal College of Physicians (2020)
2. **Pr. Sir Stephen T Holgate CBE**, FMedSci, MRC Clinical Professor of Immunopharmacology, Southampton General Hospital & UKRI Clean Air Champion and Special Advisor to the Royal College of Physicians (RCP) on air quality
3. **Pr. Sue Atkinson CBE MB BChir BSc MA FFPH**, Chair of the Public Health Action Support Team, former Director of Public Health, regional director of Public Health for London, UK.
4. **Rosamund Adoo-Kissi-Debrah CBE**, BreatheLife Ambassador and founder of The Ella Roberta Family Foundation

1. <https://www.bbc.co.uk/news/uk-england-manchester-63542651?at_medium=RSS&at_campaign=KARANGA> Last accessed 17/11/2022 [↑](#footnote-ref-2)