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**I. Introduction**

**Para 1.** Environmental harm is a direct consequence of predominately economic development, particularly trade and investment regimes. Only naming environmental harm is like naming symptoms; they will persist but not be absolved. GC26 would greatly benefit from naming the cause, as that would allow a focused and systematic approach to protecting children from environmental harm and contribute to the advancement and protection of rights. This is particularly important for essential infrastructural projects such as energy ones. Thus, this paragraph should reaffirm the previous resolutions, declarations and instruments that children should benefit from economic order and development and not suffer from it.

**Para 4** I suggest presenting in line 1 children as environmental human rights defenders, as environmental defenders are particularly vulnerable. In addition, their status as defenders of environmental human rights should be recognized. Furthermore, children should be provided with a greater level of protection for themselves but also for their caregivers in defending the environment.

**Para 5.** Replace “*basis for the full enjoyment of a vast range of children’s rights*” with “*A clean, healthy, life-enhancing and sustainable environment is conditio sine qua non for the full enjoyment by the child of all her/his human rights.*”

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

Environmental context is a part of the developmental context. Thus, in the heading after “*a child rights-based approach*” add “*in the developmental and the environmental context.*”

**Para 7** The realization of a child’s rights is not only the end result but also a process in accordance with the CRC general principles, and the same applies to developmental and environmental processes at all levels as per international law, including customary international law. Therefore, I would suggest changing the narrative of this section in a way to reaffirm Agenda 21 (1992) emphasising the importance of the CRC and respect of rights of the child in development and environment. However, it should be noted that even before 1992, children were established as environmental beneficiaries and participants in development and environment. Also, the term citizens may be interpreted to contradict the CRC, as children are already citizens unless they are legally invisible or if this statement refers to political citizenship, such as the right to vote. I would suggest adding that “*children’s right to active, free and meaningful participation in development and environmental decision-making should be promoted and strengthened.*”

**Para 8** Same comment as para 7.

**B. The evolution of international human rights law and the environment**

This section should include and reaffirm that Our Common Future Report 1987 on p.16 recognized that children have a “*fundamental right to a healthy, life-enhancing environment*”; and that the World Summit on Children in 1990 in para 26 addressed the issue of environmental protection as a means to ensure children’s survival and development, bearing in mind that “*children have the greatest stake in the preservation of the environment and its judicious management for sustainable development as their survival and development depends on it.*”

**C. Objectives**

It would be beneficial to add development, as international law, especially international sustainable development law, addresses both development and the environment together because they are inseparable. Additionally, international law recognises children as vulnerable to environmental degradation and climate change. This GC should clarify the expectations and duties arising from children’s vulnerability because environmental degradation and climate change are human-initiated and human-created.

**II. Key concepts**

 **A. Sustainable development**

Sustainable Development pillars are not consistent with the international sustainable development law, Sustainable Development as a principle of international law and Sustainable Development as a paradigm of development. Thus replace “*pillars*” with “*dimensions*.” In addition, it is essential to address the relationship between Sustainable Development as a principle of international law with the child’s best interest in developmental planning and environmental protection.

**B. Intergenerational equity and future generations**

This section should be mindful of the relationship between the rights of the child to development and the right to development as per the Declaration on the Right to Development and be more specific on the duties of long-term planning of human activities and ensuring that children are not born pre-polluted. In addition, the World Conservation Strategy formulated the concept of future generations and their needs as “*an ethical imperative, expressed in the belief that “we have not inherited the earth from our parents, we have borrowed it from our children”*”.

**D. Precautionary principle**

It is critical to emphasise and elaborate on mainstreaming children’s rights in environmental impact assessments, such as the application of the General Principles and the right to health in such processes concerning intergenerational and future generation justice in extractive industries, infrastructural projects and other systems critical for the functioning of society, including digitalisation and web3.

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

The established practice of GCs is to first deal with General Principles, and it is highly recommended to follow this established practice in GC 26 and ensure consistency. Therefore, it is recommended to deal first with art. 2, art 3, para 1 (and explicitly specify the best interest of the child), art. 12 and after art. 6. It is also important when dealing with the right to development from the CRC to make a link with the right to development from the Declaration on the Right to Development as it contains the provision on management and protection of the environment to which children also have the right. In addition, it elaborates more on the duties of the state, such as equality of opportunity for all, including children, in their access to basic resources, education, health services, food, housing, and exercise of rights over natural wealth and resources.

It would be incredibly beneficial for users when referencing GCs to also include their title (For instance: GC no.1 The Aims of Education ( 2001) or GC 12: The right to be heard (2013) etc.).

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

 **1. Right to life**

**Para 16** Term “*unnatural death*” could be interpreted as homicide, and I do not think that is the intention. A suggestion would be to replace it with “*avoidable or preventable deaths from environmental born diseases*” or “*environmental-related deaths*”, as WHO defines it.

It is suggested to use children as a standard instead of healthy adults with developed immune systems to set environmental standards, especially as children’s morbidity is five times higher than adults' from the same source of pollution as per WHO and other relevant reports and data.

 **2. Right to survival and development**

It would be incredibly beneficial to link the right to development to the right to development from the Declaration on the Right to Development, as many duties overlap, complement each other, and Declaration elaborates in more detail duties in relation to development and environment as mentioned above.

In para 21, it would be great to specify especially children under five instead of younger children, as those under 5 have the highest rate of deaths due to polluted environments.

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

Perhaps it would be a good idea to mention strengthening WHO’s processes on children’s environmental health and implementing a number of laws and policies in that regard because they made significant beneficial changes that are not always visible, especially regarding indoor air pollution.

**D. The right to an adequate standard of living (art. 27)**

**Para 39.** Although it is mentioned later, adding in para 39 access to cleaner and modern energy services is critical to children’s rights and well-being.

**G. The right to non-discrimination (art. 2)**

As already mentioned, the most significant discrimination against children is in relation to the standard setting of what is considered an acceptable pollution level and determining the ecosystems’ restorative capacities. Ambiental air pollution is perhaps the best example (as a silent killer), as there are usually warnings that are framed in a way that they go unnoticed about how extremely harmful polluted air is for children and without indication of how to protect children, especially those under 5. This should be read in relation to the right to health. The same applies to disruptive endocrine chemicals in children’s toys, food and similar. Also, children are heavily discriminated against in developmental and environmental planning, particularly budgeting for environmental protection and participation in developmental and environmental decision-making.

**H. The best interests of the child (art. 3, para 1)**

 It is absolutely essential to be consistent with international law and state in developmental and environmental decisions, not only environmental, and without specifying “*affecting children*” because everything in environment and development affects children, and the suggestion is to delete it. Therefore, it should be added that child impact assessment is a duty for developmental and environmental projects and that it is not optional as it is often considered.

 Furthermore, according to the reports and studies, one of the main challenges here is that children are those who bear the cost of development, and balancing interests usually ends up by lowering environmental and human rights and children’s rights standards, which is contrary to international law and UN Charter.

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

 To this section, I would add that children already have the right to participate and that there are at the UN level institutional mechanism for children’s participation, such as the UN Major Group for Children and Youth, but their participation (especially of children below 14) is lacking support.

 It would be beneficial to add to the Youth Delegates Programme (run by DESA) and also the Children and Youth delegate Programme, as there is an overlap between children and youth, and each group has different needs, and they are not a homogeneous group, so naturally, the door for discrimination against younger children is opened establishing institutional discrimination of children in international sustainable development and environmental processes.

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

For this right to be meaningful, access to information is critical. This should be mentioned in this section to be consistent with international sustainable development and environmental instruments. In addition, access to information is one of the cross-cutting issues.

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

With the current fragmentation of international law, the majority of these actions are impossible to achieve, so I would suggest adding an assessment of investment and trade regimes, as well as a private-public partnership from the perspective of the rights of the child, and initiating appropriate amendments of the treaties and agreements that directly cause or contribute to the violation of rights and degradation of the environment, which is inspired by UNHRC ‘Report of the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas’ (14 July 2015) UN Doc A/HRC/30/44.

**V. General obligations of States**

**B. Heightened obligations**

**Para. 82** After special status, I suggest adding “*an environmental vulnerability of children.*”

**D. Child rights impact assessments**

Environmental degradation is a direct result of development, so please add in para 87, “*decisions relating to development and the environment,*” as per the sustainable development principle of international law and other relevant UN documents.

**Para. 88** “*Where a child rights impact assessment is not carried out, authorities should clearly state the reasons, for example, a demonstration that children are not expected to be harmed by the actions under examination.*” I suggest that this sentence be entirely deleted as it contradicts the purpose of the GC26.

 Child rights impact assessments should be a requirement for decision-making, especially for big and important infrastructural and energy projects.

**G. International cooperation**

In this section, it is critical to add a periodical assessment of the impact of international cooperation on children’s rights. Some member states have such procedures in place, but this should become a standard. The same should be applied to international developmental and financial organisations; although some of them do have such assessments, there is always an opportunity for improvement.

**D. Business and climate change**

For this section, the major obstacle will be trade and investment regimes, as seen in numerous cases worldwide, and arbitration will play a crucial role in that regard, so educational programmes with arbitrators should be established. Thus, I propose to mention this issue in this section.