**Submission to the Draft of the General Comment 26 on Children’s Rights and the Environment with a Special Focus on Climate Change – National Coalition Austria**

**15.02.2023**

The statement submitted herewith has been compiled by the National Coalition for Children's Rights Austria with the support of various child rights organizations with years of experience in the field of children's rights as well as a specific focus on environmental children's rights.

**I. The Right to be Heard**

**Para. 57**

* It is of the utmost importance that the voices of children are heard in matters that are as relevant to their lives as the climate crisis. Tools to ensure and encourage their participation in political processes need to be strengthened.

***Recommendation*:**

* Include that states should strengthen and work together with the official youth and children representatives such as youth and children’s councils in environmental decision-making processes. As well as reinforce the establishment of official children’s representatives and councils in the matter.

**II. Access to Justice and Remedies**

**Para. 62.**

* Effective remedies are very important to ensure access to justice for children. Unfortunately experience shows that there are often restrictions when it comes to actually claiming one’s rights.

***Recommendation*:**

* Strengthen the representative bodies of children by providing them with more procedural rights.

 **Para. 66.**

* We support the mentioning of financial support for children seeking remedies, especially regarding the fact that court proceedings related to the right to a sustainable environment by child and youth plaintiffs will become more frequent in the future.

***Recommendation***:

* Consider the option for states to establish – at national, regional or international level – a fund to cover the costs of children seeking remedies in case their rights in the context of a clean, healthy and sustainable environment are violated.

**Para. 67.**

* Collecting proof in environmental and climate matters, especially in cross-border cases, is very difficult considering that such violations are mostly the result of many actions combined and causation cannot easily be established.

***Recommendation*:**

* Instead of addressing only the “options to reduce the onerous burden of proof on child plaintiffs”, the wording should address the option of a reversal of burden of proof.

**III. The Right to a Clean, Healthy and Sustainable Environment**

**Para. 73.**

* The mentioned actions are all very important and urgent to take. However, more actions in more areas are needed. The GC 26 should stress these matters.

***Recommendation*:**

* Include at (c) the reduction of the overuse of nitrogen and phosphate in agriculture and transform the industrial agriculture into agroecological and sustainable farming.
* Add as (g) the elimination of toxic chemicals and pesticides especially in the context of their impact on the right to health and the right to food and water.
* Add as (h) the reduction of soil sealing and the stop of the enormous amount and pace of deforestation and increase reforestation as well as the greening of landscapes and the implementation of urban development measures such as urban green space, reflective and vegetated roofs and public access to nature in order to reduce urban heat sinks, to which children are particularly vulnerable.
* Add as (i) the reduction of waste with a special focus on electronic waste.

**Para. 74.**

* We support the mentioning of empowering children, especially their right to participate in decision-making processes. Children have the right to participate (Art 12. CRC) and their views shall be heard and taken into account in matters affecting them. Therefore, it is important to provide them with tools and processes that ensure their participation.

***Recommendation*:**

* Amend the wording as follows: “Procedural elements have and will be addressed with similar importance …”

**IV. Access to Information**

**Para. 85**

* The access to information is very important in order to empower children. We support the mentioning of this right. It has to be taken into account, though, that inappropriate lifestyle choices are not only made because of lack of information. It needs to be clear that it is the responsibility of the states to ensure that the appropriate and sustainable option is also the easy and affordable one.

***Wording Proposal*:**

* Amend the last part of this paragraph as follows: **“… and about appropriate lifestyle choices for sustainable development, for example, what children can do in their immediate environment related to waste management and consumption behaviors, while always bearing in mind that it is the responsibility of the state to make these appropriate choices the most accessible and affordable ones”.**

**V. Child Rights Impact Assessments**

**Para. 87-89**

* We support the child rights impact assessments. They are a valuable tool to focus on the environmental consequences on the wellbeing of children. However, the experience shows that this tool is rarely used.

***Recommendation*:**

* It should be mandatory to conduct child rights impact assessments. If this obligation is not fulfilled, it should be possible for the representative bodies of children to request such an assessment.

**VI. Children’s Rights and the Business Sector and Business and Climate Change Sections**

In 2020 the CRC Committee submitted the recommendation to Austria that the “state party adopt and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children’s rights”. We understand that GC 26 will be setting important legal parameters for states in this respect.

**Para. 90-93, 114-118**

* The two sections of the GC 26 cover very crucial responsibilities of businesses to protect and respect children’s rights, the environment and the climate throughout their activities (supply and value chains). Transnational activities of businesses also trigger extraterritorial responsibilities and obligations as mentioned in para. 68. Considering the fact that the GC 26 should be read in conjunction with the GC 16, we would like to make the following

***Recommendation:***

* **On the format:** To merge the sections on children’s rights and the business sector with the section on business and climate change in order to create a clear and specific section on business responsibilities with regard to the environment and to climate.
* References to “supply chains” should be changed by “value chain”.

**VII. Impact of Environmental Degradation, Climate Change and the Sexual Exploitation of Children**

***Recommendation:***

* The GC 26 should draw attention to the link between climate change that leads to displacement, loss of livelihoods etc. and the resulting consequences that include increased violence and exploitation, including sexual exploitation of children.

**For questions or request for clarification of the content please contact:**

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