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Committee on the Rights of the Child

**Re: Comments on Draft General Comment No. 26: “Children’s Rights and the Environment with a Special Focus on Climate Change”**

Dear members of the UN Committee on the Rights of the Child,

Thank you very much for the opportunity to provide inputs to the draft comment 26, and for leading this very complex, inclusive process towards strong and impactful guidance to governments.

The World Council of Churches (WCC) represents over half a billion Christians worldwide through churches in 120 countries. Our organization has 70 years of experience uniting Christians, leaders of other religions, and secular partners behind joint solutions for a better tomorrow. The submission is made by the WCC’s Child Rights Programme[[1]](#footnote-1).

In light of the small [window](https://www.france24.com/en/environment/20220404-emissions-must-peak-before-2025-for-liveable-future-un-report-says) of time left to make the world remain inhabitable with continued increase of global warming, we urge you to:

1. **Re-structure the General Comment and place section VI on Climate Change at the beginning**

This will give an essential message to governments, as global warming currently puts at risk the viability of all other recommendations. In this section on Climate Change, it would be important to reflect the following facts:

* UN Secretary General Antonio Guterres [stressed](https://news.un.org/en/story/2022/05/1117822) in light of the 2022 IPCC reports that “It is now time for financial service providers to accelerate the shift to renewables. They have the power – and the responsibility. The scientific and moral imperative is clear: there must be no new investment in fossil fuel expansion, including production, infrastructure and exploration.” The International Energy Agency[[2]](#footnote-2) underlined in 2021 and re-iterated in 2022 that enough fossil fuels are already out of the ground to ensure the transition to renewable energies.
* Fossil fuel expansion continues to be massively financed, despite scientific evidence of the catastrophic impacts on today’s children.
* The 2022 *Banking on Climate Chaos Report*[[3]](#footnote-3) shows that fossil fuel financing from the world’s 60 largest banks has reached USD $4.6 trillion in the six years since the adoption of the Paris Agreement, with $742 billion in fossil fuel [financing](https://reclaimfinance.org/site/en/2023/01/17/throwing-fuel-on-the-fire-gfanz-members-provide-billions-in-finance-for-fossil-fuel-expansion/) in 2021 alone.
* [Carbon bombs](https://www.theguardian.com/environment/ng-interactive/2022/may/11/fossil-fuel-carbon-bombs-climate-breakdown-oil-gas) funded by these banks are set to trigger catastrophic climate breakdown affecting all aspects of child rights. We have a very [short window of time](https://www.irishtimes.com/news/environment/just-three-years-left-to-stop-worst-of-global-warming-un-body-warns-1.4844623) to stop it from becoming irreversible.
1. **Include the following key aspects in point and VI. F (business and climate change) and VI. E (climate finance):**

In light of the [IPCC](https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/)’s evidence, scientific consensus and warnings by [WMO](https://public.wmo.int/en/media/press-release/united-science-we-are-heading-wrong-direction)[[4]](#footnote-4) and IEA[[5]](#footnote-5), protecting children’s rights is incompatible with allowing and support the financing of fossil fuel expansion.[[6]](#footnote-6)

[Youth/Children climate anxiety](https://secure.avaaz.org/campaign/en/climate_anxiety_panel/) is linked to insufficient responses by governments to the acclimate emergency. We applaud the recommendation made [by the CRC](https://seafile.ecucenter.org/f/0794403395334b509803/) on the harmful impacts of fossil fuel investments on children, in their concluding observations to the government of Switzerland in 2019.

The need for governments to regulate the ongoing [role](https://www.carbonbankroll.com/) of the corporate sector and banks around the expansion of new fossil fuel projects/carbon bombs should be central in sections VI F and E of GC26. All other aspects depend on the success of [peaking](https://www.france24.com/en/environment/20220404-emissions-must-peak-before-2025-for-liveable-future-un-report-says) CO2 emissions by 2025. Please highlight in points F and E of section VI the role of banks and pension funds in financing new fossil fuel expansion, and the role of governments to stop these life-threatening carbon bombs through appropriate legislations, and by ending subsidies for fossil fuel expansions.

1. **Section III.H (best interest of the child), section V D (Child Rights Impact assessment) and section VI A (State obligations)**

Ensuring effective legislations that requiring transparency of investments, ensuring climate-safe funding, is an essential child protection measure in light of the climate emergency.

In view to end the expansion of carbon bombs, governments should be asked to examine the obstacle created by interpretations of fiduciary duty. A fiduciary duty conception that distorts beneficiary interests into a narrow focus on financial returns results in investment decisions that reinforce a system which is antithetical to the needs of the very households whose savings are being managed, especially their children’s best interest. Consideration of the consequences on children of investments which are contrary to a 1.5 C target should be requested by governments. In most countries the current interpretation of fiduciary duty is not yet in accordance with [scientific evidence](https://public.wmo.int/en/media/press-release/united-science-we-are-heading-wrong-direction%20%20) on what a narrow focus on financial interests, without verification on [climate-responsibility](https://www.unep.org/events/webinar/climate-responsible-finance-moral-imperative-towards-children), means for children’s rights. The interpretation of fiduciary duty needs to [take into account](https://www.oikoumene.org/resources/documents/climate-responsible-finance-a-moral-imperative-towards-children) the best interest of the child.

1. **Edits to section III. K – Access to justice and remedies (art.4)**

The thematic GC26 [consultation 3](https://childrightsenvironment.org/wp-content/uploads/2022/10/Report-Analysis-of-Global-Community-Questionaire-Contributions.pdf) observed that “Costs can be another deterrent to access to justice.”(p.12) Remedies to this situation need to be urgently created by States. The consultation also concludes “The CRC cannot create a universal jurisdiction but can clarify the requests for States”.

In section K we recommend to URGE for the CREATION of such a universal jurisdiction, i.e. the creation of a Climate Crimes Tribunal for Child Rights - linked to the process for an Ecocide Law and the Non-Proliferation Treaty.

In the absence of effective legal frameworks, children and youth engaged in climate action can face barriers to their future access to jobs due to criminal record for climate activism. In light of the self-defense which motivates their engagement, such records should be lifted.

1. **Draft GC section VI A. Climate Change - accountability**

The CRC GC26 should call for holding accountable those who funded the [disinformation](https://www.theguardian.com/environment/2022/dec/20/big-oil-is-behind-conspiracy-to-deceive-public-first-climate-racketeering-lawsuit-says) on climate change since the 70ies through the [Global Climate Coalition](https://www.bbc.com/news/science-environment-62225696)[[7]](#footnote-7).

The importance of holding those responsible for decades of disinformation, which caused the deaths and suffering of children worldwide through an acceleration of the climate emergency, was also underlined by UN SG Antonio Guterres in Davos, in January 2022: “Some in Big Oil peddled the big lie. And like the tobacco industry, those responsible must be held to account”(see here [Full Statement](https://www.un.org/sg/en/content/sg/statement/2023-01-18/secretary-generals-remarks-the-world-economic-forum))

Thank you very much in advance for your consideration of these inputs.

Kind regards,

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[Cooler Earth - Higher Benefits: Actions by those who care about children, climate and finance](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.oikoumene.org%2Fpublications%2Fcooler-earth-higher-benefits3&data=05%7C01%7Ccaroline.virgo%40churchofengland.org%7C4d1778a010ca43b0394408db05109c4a%7C95e2463b3ab047b49ac1587c77ee84f0%7C0%7C0%7C638109341125915028%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=isxGyG69KExiRDS53BynQ%2BQwM61G5beGG%2BbI4wtXa0o%3D&reserved=0)

1. WCC’s Engagement for Children, [www.oikoumene.org/children](http://www.oikoumene.org/children) [↑](#footnote-ref-1)
2. International Energy Agency, “World Energy Outlook 2022 Shows the Global Energy Crisis Can Be a Historic Turning Point Towards a Cleaner and More Secure Future,” 27 October 2022, <https://www.iea.org/news/world-energy-outlook-2022-shows-the-global-energy-crisis-can-be-a-historic-turning-point-towards-a-cleaner-and-more-secure-future> [↑](#footnote-ref-2)
3. Rainforest Action Network, *Banking on Climate Chaos: Fossil Fuel Finance Report 2022*, 30 March 2022, <https://www.ran.org/wp-content/uploads/2022/03/BOCC_2022_vSPREAD-1.pdf>. [↑](#footnote-ref-3)
4. World Meteorological Organization, “Press Release: *United in Science: We Are Heading in the Wrong Direction*,” 13 September 2022, <https://public.wmo.int/en/media/press-release/united-science-we-are-heading-wrong-direction> [↑](#footnote-ref-4)
5. International Energy Agency, “Pathway to Critical and Formidable Goal of Net-zero Emissions by 2050 Is Narrow but Brings Huge Benefits, According to IEA Special Report,” 18 May 2021, <https://www.iea.org/news/pathway-to-critical-and-formidable-goal-of-net-zero-emissions-by-2050-is-narrow-but-brings-huge-benefits> [↑](#footnote-ref-5)
6. Audrey Garric and Perrine Mouterde, “Global Warming: The 425 ‘Carbon Bombs’ that Could Thwart the Battle against Rising Temperatures,” 16 May 2022, <https://www.lemonde.fr/en/environment/article/2022/05/16/the-425-carbon-bombs-that-could-thwart-the-battle-against-global-warming_5983635_114.html>. [↑](#footnote-ref-6)
7. [Puerto Rico climate trial](https://www.theguardian.com/environment/2022/dec/20/big-oil-is-behind-conspiracy-to-deceive-public-first-climate-racketeering-lawsuit-says) [↑](#footnote-ref-7)