**Comments on the Draft General Comment 26 (General Comment of the UN Committee on the Rights of the Child)**

**Overall feedback:**

**The World Future Council congratulates the Committee and the team for this great work and achievement. Please find below our comments on the draft. We have consulted our Council, our Youth Forum “Youth:Present” and our staff. It’s innovative the see that General Comment is relying on science and children’s views, both give creditability to the report.**

**General remarks:**

* In bolt or in yellow you will our comments and additional recommenations
* Please use a clear definition regarding the wording Climate Change / Climate Crisis /climate emergency:
* Please also use the term “young people”. Although the CRC defines every person until the age of 18 as a child – It’s important to highlight the wording “young people” or “youngsters”.
* Please also use the term “girls and boys”
* Achieving gender equality is still key and she find mention in the General Comment
* Please also refer to Agenda 2030 and the SDGs as most of them are related to children and their rights
* The construction of the commentary is confusing and repetitive throughout the commentary, the different parts get mixed up
* We feel that the overall references are quite weak and refers mostly to the CRC and CTC related General Comments. We think there is a necessity to also deliver the overall picture (SDGs, key principles, and concepts etc). We would be happy to provide more language on Principle of Intergenerational equity, Rights of Current and future generations and Principle of Trusteeship, Precautionary principle etc.
* It may not be possible to explain properly the causes and effects of climate change into the old convention categories. It would be more coherent if this Comment is structured by major theme or in an order of cause of climate crisis/global warming, environmental degradation / exposure to toxic substances / biodiversity loss, effects on children and their rights / possible solutions (obligations on States)
* Children are far more likely to suffer serious harm, including irreversible and lifelong consequences and even death, from environmental impacts. Nevertheless, the commentary only states facts without explaining them or deepening them. It only touches the surface of the phenomena. The comment could explain scientifically why children are the most vulnerable to climate change and what the **international response** should also be.
* The General Comment stays vague and should be refocused on what can States do in concrete terms? The General comment should be an opportunity for the UN to give keys to States to protect environmental degradation and children's rights. In this sense, the commentary should list specific obligations and commitments for States and the international community.
* We recommend the use of the wording “current generations (versus present). The latter is used in many of the international instruments which can contributes to harmonising the term

This wording is also strengthened by the Principles of IE, Rights of Current and Future Generations and Trusteeship. The latter will be key to paving the way for State obligations to ensure that such transgenerational rights are taken seriously.

**I. Introduction**

**Para 1:** The extent and magnitude of the environmental harm is an urgent and systemic threat to children’s rights globally. Unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, have had a profound impact on the natural environment, fuelling climate change, intensifying toxic pollution of water, air and soil, causing ocean acidification, and devastating biodiversity and the very ecosystems that support and sustain all life. **In addition, nuclear weapons and climate change threatens the rights of current and future generations.**

**nuclear wappon and climate change threatens current and**

**Para 5:** A clean, healthy and sustainable environment forms the basis for the full enjoyment of a vast range of children’s rights, while its degradation poses risks of sweeping child rights violations **and the rights of generations to come.**

The present general comment should be read in conjunction with other relevant general comments of the Committee **and other human rights treaties**

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

**Para 8**: A clean, healthy and sustainable environment is necessary for the full enjoyment of a broad range of children’s rights, including to life… **as well the right to national identity and birth certificate (Articles 7 and 8)**…

Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children including **girls**, children with disabilities, Indigenous children, and children working in hazardous conditions.

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

**Please insert the following paragraph:**

**The key principles that human rights are universal, indivisible and interconnected should be specifically emphasized in this context. The evolution of international human rights law is strengthened by the development of Children’s Rights and activism by children and young people engaged in environment and climate justice efforts.**

Para 10: The Committee is mindful of the relevance to its interpretation efforts of: (a) the Framework Principles on Human Rights and the Environment, which represent a summary of the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; (b) a vast majority of States who have recognized some form of the right to a clean, healthy and sustainable environment through international agreements, national constitutions, laws or policies; (c) the global recognition of the human right to a clean, healthy and sustainable environment by the General Assembly, which complements and reinforces the application of ~~generally-stated~~ **existing principles of international law**, human rights **law** in the environmental context; and (d) existing and evolving norms, principles, standards and obligations under international **law, international human rights law, Children’s Rights** **and international** environmental law, such as the United Nations Framework Convention on Climate Change and the Paris Agreement.

**II. Key Principles and concepts**

**Sustainable development**

**Para 11:** The sustainable development articulated in various international agreements as the concept premised on **four** interlinked pillars of economic development, social development and environmental protection **and culture** is inextricably linked to the realization of children’s rights

These **four** pillars are understood as harmonizing the priorities of both developing and developed countries and implying both an intragenerational and intergenerational equity to protect the rights of **current and future generations**

**B. Principle of** Intergenerational equity, **Rights of Current** and future generations **and Principle of Trusteeship**

**General remarks:**

**Para 13:** The Committee recognizes the principles of intergenerational equity, **Rights of current and future generations and truseeship**. Nearly all (88 per cent) of children consulted affirmed that climate change and environmental damage were threatening future generations, and 63 per cent believed children were affected more than adults. Discussions of future generations should take into account the rights of children who are already present on this planet and those constantly arriving.

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

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

**1. Right to life**

**Please insert the following paragraph:**

**The obligations of States and non-state actors alike under international humanitarian law, international human rights law and other relevant laws to take all meaningful efforts to resolve disputes peacefully, taking into consideration the physical and mental well-being of children, especially taking cognizance of the impact armed conflict and violence have on children and the environment. Current, armed conflicts have evolved and takes place mostly in civilian areas in which children and young people are directly and indirectly affected. Further, armed conflict causes devastating and irreparable and long-term damage to the environment which impacts the right to life causing lifelong challenges to children, rights of future generations and the right of the child to enjoy the natural environment. Hence, the right to life, taken together with all other relevant principles of international law, requires States to make all meaningful steps to pursue peace and disarmament in line with the agendas set by the United Nations. The international crime of aggression is a clear violation of this right**

**Para 21**. States should consistently and explicitly consider the impact of exposure to toxic substances and pollution in early life( this is too weak!) **by agreeing internationally and nationally on strong policies that regulate the use and disclosure of hazardous toxic in all products, especially in products for children and that children are exposed to, and ensure good implementation and monitoring.**

**Para 22:** They should have access to adequate environmental information and education focusing on respect for the natural environment, sustainable lifestyles and leading a responsible life in a free society. **Promote the implementation of the concept Education for Sustainable Development as an important tool for sustainable lifelong learning (SDG 4)**

**Para 27**: The link between children’s mental health and environmental harm is increasingly recognized, such as the increasing prevalence of eco-anxiety, **pandemics** and needs further emphasis.

**Para 28:.** States should adopt a comprehensive process for identifying and addressing and **monitoring** environmental health concerns relevant to children within their national plan, policy or strategy.

**Para 29..Please add: States should implement universal health coverage that allows all people to have access to the full range of quality health services they need, when and where they need them, without financial hardship. Access to health services and information as a basic human right is universal.**

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

**Para 33 and Para 34:**

**School curricula and teaching materials should be based on the principle education for sustainable development**

**Para 35:**

Environmental values should be reflected in the education and training of all professionals **and engaging civil societies** involved in education

**Please add: Utilizing principles of intergenerational equity and Earth trusteeship as frameworks for such transformational environmental education and learning efforts would be value (Ibid., para. 14)**

**Para 36\_** This includes ensuring the availability of walking and biking routes and public transport to school; that schools are located at safe distances from sources of pollution and other environmental hazards, including contaminated sites; and the construction of buildings and classrooms **free from toxic materials** with adequate heating and cooling, access to sufficient, safe, and acceptable drinking water and sanitation facilities, especially for girls

**Para 38**: States should also address the knock-on effects resulting from environmental impacts on children, such as the need for girls to leave school due to the additional domestic and economic burdens in households facing environment-related shocks and stress **and increased harmful traditional practices like early marriage, FGM. There is also a big threat of engaging children in hazardous labour or recruiting them for armed conflicts.**

**Please add a new para: Weathy States should support countries in the Global South with technical knowledge and transfer in order to allow young people to prepare for green jobs and economy**

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

**Para 72**. Substantive elements of this right are profoundly important for children, as they

include clean air, a safe **and resilient climate or stable** climate (what is safe climate?), healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food, and non-toxic environments.

**Para 73**: Please add

**g)** States and the UN should strengthen the development an official international charter to list the chemical products dangerous for children and ask for disclosure.

Add a **new para**: **State are called upon to develop** **Concrete mechanisms to consider children’s views in public policy.**

Add **new Para**: **All state are called upon designing a specific charter on child protection in climate action**

**V. General obligations of States**

**A. The obligation to respect, protect and fulfil**

**Para 76**: States have a due diligence obligation to take appropriate measures to protect children against reasonably foreseeable environmental harm and violations of their rights. Examples include assessing the environmental impacts of policies and projects and paying due regard to the precautionary approach, reducing unpreventable harm, **including resorting to use of armed conflict and violence to resolve disputes**, and providing for timely and effective remedies for both foreseeable and actual harm.

**Para 79:** States are obligated to devote the maximum available financial, natural, human, technological, institutional and informational resources to realize children’s rights in relation to the environment, including those available within the framework of international cooperation. **This should also include provisions to set up ombudspersons/envoys for children and future generations at the national and local levels, ensuring that children at all level participate meaningfully and contribute toward decision making. (This also supports the Report Our Common Agenda but specifically taking into consideration momentum built by youth, young people and children in decision making).**

**C: Access to Information**

**Para 86:** Information should be disseminated in a way appropriate to the age and capacities of children, overcoming obstacles such as illiteracy, disability, language, distance and limited access to information technology. States should encourage the mass media to disseminate information and materials regarding the environment, for example, measures that children and their families can take to manage risks in the context of climate-related disasters. States should encourage the use of childfriendly language, and ensure that digital expansion takes place also in remote areas and that children, schools and communities are equipped with laptops or similar equipments.

**Para 87:** All proposed legislation, policy, regulations, budget or other administrative decisions related to the environment requires vigorous child rights impact assessments.” **Please provide for more information: How can this be put in place, since the majority of laws and public policies have at least indirect impacts on the environment? What scope should this assessment have?**

**Add a new para**

**Access to governance: States to guarantee access to information, institutional policies to aid intergenerational transition of good governance and strengthen reforms.**

**VI. Climate change**

**A. State obligations, implementation and accountability**

**Para 100**: Under the Convention, States have obligations, including extraterritorial obligations, to respect, protect and fulfil children’s rights. The foreseeable adverse effects of climate change on the enjoyment of children’s rights give rise to obligations of States to take actions to protect against those effects, and to mobilize the maximum available resources for the adoption of measures aimed at mitigating its cause and effect and preventing further harm.

**Normally international law is based on the sovereignty of each state. It is necessary to explain the meaning of this concept since it seems outside of international legality**

**E. Climate finance**

**Please add new para:**

**Developed States should strongly support the rechanneling of a significant part of the new allocated IMF Special Drawing Rights (total worth $650bn) toward countries of the global south to lower the huge climate finance gap for mitigation and for adaptation measures.**

**please add new Para:**

**The subject of climate migration should be mentioned dominantly. The General Comment does not mention much about climate migration and its impact on children. However, whether internally or internationally, climate migration is expected to increase significantly in the next years. Children would be the first victims, given their vulnerability. This forced migration is an obvious risk for children's rights and deserves a more important place in this comment.**

**The comment should request States to**

**- Raise awareness on this issue**

**- Facilitate assistance and protection for affected populations**

**- Think about a special status for children victims of climate migration**

With very best regards

Samia Kassid

**Senior Programme Manager „The Rights of Children and Youth**

World Future Council

[Samia.kassid@worldfuturecouncil.org](mailto:Samia.kassid@worldfuturecouncil.org)

Große Elbstraße 117 | 22767 Hamburg | Germany  
mobile phone: +49 176-82450878