

Comment on the Concept Note on the Draft General Comment No. 26 on Children’s Rights and the Environment with a Special Focus on Climate Change

1.0 Introduction

The Commissioner for Children and Young People (NICCY) was established in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner’s remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out her functions, the Commissioner’s paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner is required to have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to respond to the draft General Comment No. 26 on children’s rights and the environment with a special focus on climate change. In general we believe that this is a very comprehensive document and bears testament to the work of the thousands of young people who have contributed to its drafting.

The comments provided are not intended to be comprehensive but to provide some broad reflections informed by NICCY’s work on this issue. This work has included:

- Providing advice to government (in relation to the Northern Ireland Environment Strategy and Green Growth Strategy) and working with young people to support their engagement with government including following the 2016 Day of General Discussion on Children’s Rights and the Environment;
- Supporting young people (our Youth Panel) to develop messages for government during the COP-26 conference, linking the global priorities to local action as well

supporting them participate in the European Network of Young Advisors (ENYA) Forum Report 'Let's Talk Young, Let's Talk About Climate Justice' and in the first drafting process of this General Comment;

- Engaging with children and young people in relation to Children as Human Rights Defenders, for example, through supporting their engagement with the UN Committee on the Rights of the Child's Day of Discussion on this matter, and running a day of activities for children and young people across NI where more than a thousand learned about rights and their roles as Human Rights Defenders in 2019.

In making these comments, we are specifically focusing on the realisation of provisions enshrined in the CRC which relate to the right to a healthy environment and education. These include the general principles of the CRC, that is, the right of children to be heard and to have their views given due weight (Article 12); the right of children to have their best interests as a primary consideration (Article 3); the right to life, survival and development (Article 6); and non-discrimination (Article 2). It also includes the principle of the evolving capacities of the child (Article 5); the right to health, including a healthy environment (Article 24); and the right to be educated about the environment (Article 29). We also acknowledge and support recognition by the UN General Assembly of the right to a healthy environment as a human right in Resolution A/76/L75.

2.0 Northern Ireland Context

There are numerous key pieces of legislation, policies and programmes of work which are currently shaping Northern Ireland's response to climate change, biodiversity loss and a just transition. Whilst there is a passing mention to rights in places it would be fair to say that a children's rights perspective is rarely referenced even though children and young people, as in many places across the globe, have been at the forefront of articulating "the urgent need to address the adverse effects of environmental harm and climate change" and have demonstrated their capacity as changemakers.

Adaptation Focus

The Climate Change Acts 2008 requires the UK government to publish and provide Parliament with a UK-wide climate change risk assessment (CCRA) every five years. The assessment presents an analysis of key climate change risks and opportunities across all sectors of the UK economy. In June 2021 the Climate Change Committee published the third *Independent Climate Change Risk Assessment Evidence Report*. It sets out the

priority climate change risks and opportunities for the UK. The *CCRA3 Summary for Northern Ireland* was published in 2021 alongside the Independent Climate Change Risk Assessment. For Northern Ireland, 61 risks and opportunities from climate change have been assessed, including to the natural environment, infrastructure, communities, the built environment, businesses and from the impacts of climate change internationally. As required by the UK Climate Change Act 2008, the Northern Ireland government is required to develop a Northern Ireland Climate Change Adaptation Programme (NICCAP) on a five yearly basis. The NICCAP outlines the approach to addressing the risks and opportunities identified in the UK Climate Change Risk Assessment (CCRA2) Evidence Report Summary for Northern Ireland.

The Department of Agriculture, Environment and Rural Affairs (DAERA) takes the lead on climate change issues and works closely with Department for Environment, Food and Rural Affairs (Defra) and the Devolved Administrations of Scotland and Wales to develop the NICCAP. The *Northern Ireland Climate Change Adaptation Programme 2019–2024* was published in September 2019 and sets out Northern Ireland’s adaptation approach and actions for the period 2019 – 2024. This programme addresses the government’s response to the climate change risk and opportunities as identified in the *UK CCRA 2017 Evidence Report Summary for NI*. For the first time, the NICCAP also includes an outline of how civil society and local government will contribute to addressing these climate change risks and opportunities. This presents a great opportunity to grow a child rights-based approach and ensure the best interests of the child are a primary consideration.

Mitigation Focus

The Northern Ireland Assembly declared a Climate Emergency in 2020 and passed its own Climate Change Act in 2022.

“An Act to set targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions; to provide for a system of carbon budgeting; to provide for reporting and statements against those targets and budgets; to confer power to impose climate change reporting duties on public bodies; to provide for reports and advice from the Committee on Climate Change; and for connected purposes.”¹

¹ [Climate Change Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

Within the Act it is stated that Northern Ireland departments must develop and publish plans for areas of the economy, to be known as sectoral plans, which should support a just transition by:

- “(a) supporting the creation of secure green jobs and building pathways into green careers in partnership with industry and unions, with workers’ rights and health and safety at the centre;*
- (b) ensuring that workers and communities dependent on the high carbon economy are supported with the transition;*
- (c) supporting the transition to a green economy with net-zero carbon investment and infrastructure; and*
- (d) tackling inequality and breaking down barriers of division.”²*

It is important to note that the ‘just transition principle’ is explained as:

- *“supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects,*
- *reducing, with a view to eliminating, poverty, inequality and social deprivation,*
- *eliminating gender inequality and advancing equality of opportunity between men and women,*
- *supporting the social and economic needs of people in rural areas, and*
- *taking into account the future generations principle.”³*

The Act states that the Just Transition Commission should include young people. Work is currently ongoing to develop Northern Ireland’s first Climate Action Plan with the focus on ensuring that the first NI Carbon Budget for the 2023-2027 budgetary period is achieved. Consultation on this plan is scheduled to take place late summer/early autumn of this year. The development of this plan presents an interesting opportunity to undertake a child rights impact assessment.

Other Relevant Policies

The Green Growth Strategy is Northern Ireland Executive’s multi-decade strategy,

² [Climate Change Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

³ [Climate Change Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

balancing climate, environment and the economy in Northern Ireland. The principles of a Just Transition are restated including a focus on social inclusion and the eradication of poverty.

Other relevant key pieces include the Environment Strategy, the development of a Biodiversity Strategy and the Circular Economy Strategy, the Clean Air Strategy, and the Energy Strategy. However, since the beginning of 2017, Northern Ireland has had three years of no government, two years of COVID government, and a further year of no government. This equates to six years of no serious policy or legislative work with many strategies sitting as draft needing executive approval. It would be fair to say that it has been the efforts of civic society including the voices and engagement of young people that has driven any positive changes during this period.

3.0 Comments on GC 26

II. Key concepts

3.1 **Sustainable development** measures and climate-change policies, including adaptation, can positively reinforce each other; however, it is important that there is greater integration of approaches and processes which recognise, for example, how persistent poverty and environmental needs exacerbate the adverse consequences of climate change. Or how the rules of the global economy encourage ever increasing consumption.

We recommend that the Committee emphasises the need for greater integration of approaches and processes between sustainable development and climate change approaches.

3.2 Two hundred and fifty children are on average born every minute in the world and will therefore have transitioned from the category of 'yet to be born' to 'present generation' in the time it takes to read this response. The gap between **future generations** and present generations is therefore blurred.

3.3 We note the importance of the '**best available science**' concept and would emphasize the urgency in developing disaggregated data systems which evidence the impact of climate change and environmental degradation on children and young people's rights. It is also worth noting the importance of indigenous knowledge and citizen science across the

world in valuing and incorporating the knowledge held by the people who are observing the impact of climate change in the places they live, work, play or learn in.

We recommend that the Committee emphasises the urgency to develop disaggregated data systems with regard to the impact of climate change and environmental degradation on children and young people, and that the General Comment highlights the importance of indigenous knowledge and the practice of citizen science.

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

3.4 Equitable access to ‘green spaces’ is a key factor in ensuring the right to education and health. In March 2022, only 43 per cent of households in Northern Ireland had accessible natural space within 400 metres⁴. Access to and participation in outdoor recreation within natural space is not equal across society and is particularly true for people who are unemployed, people with disabilities and rural residents. The development and provision of formal and informal education around climate change and environmental degradation should also include a historical analysis helping children and young people understand how climate breakdown has come about and the historical and current differential responsibilities of states.

We recommend that the General Comment references the importance of equitable access to ‘green spaces’ for all children in ensuring their right to education on climate breakdown and environmental degradation as well as their right to health. Education on climate change should also include a historical analysis and understanding of differential state responsibilities.

3.5 It would be worth noting the importance of the Aarhus Convention⁵ with regards the rights of the child to be heard. The Convention underscores general obligations to enable the public to participate in environmental programmes. The global development of child led participatory budgeting programmes can also be one of the most effective approaches in empowering children and young people and ensuring that they have a seat at the decision-making table.

We recommend that the General Comment refers to the Aarhus Convention in

⁴ [Northern Ireland Environmental Statistics Report 2022 | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](https://www.daera-ni.gov.uk/northern-ireland-environmental-statistics-report-2022)

⁵ [Introduction | UNECE](#)

relation to the rights of the child to be heard as well as referencing the practice of child led participatory budgeting.

3.6 As the European Network for Ombudspersons for Children’s (ENOC) Synthesis Report on Children’s Rights and Climate Justice states, “*many children work on environmental issues under the umbrella of established NGOs, youth groups, associations or parliaments. However, Article 15 recognises their right to work with others to form their own associations and thus underscores the ability to form child and youth led movements, including, for example, Fridays for the Future. The Committee has advised that: ‘Legal recognition must be afforded to adolescents to establish their own associations, clubs, parliaments and forums, both in and out of school, form online networks, join political parties, and join or form their own trade unions’.*⁶ States are under an obligation to ensure that States and non-State actors do not interfere with the right and are also under a positive obligation to ensure that children are able to enjoy these rights.”⁷

We recommend that the General Comment references the importance of affording legal recognition to young people to establish their own associations.

3.7 It is worth stating that access to justice and remedies will be even more challenging for particular groups of children and young people such as children and young people with disabilities or those in poverty and that these will often be the young people who will be most affected by the threat multipliers of climate change and environmental degradation.

We recommend that the General Comment highlights that particular groups of children and young people will face even greater challenges in accessing legal remedies with regards infringement of rights, and the measures states should take to ensure non-discrimination in this regard.

V. General obligations of States

3.8 The UN Special Rapporteur on Freedom of Opinion and Expression has suggested that “*the possible risks that children face as a consequence of their young age and relative immaturity are overstated and used as an excuse for unduly restricting the rights of both*

⁶ UN Committee on the Rights of the Child, ‘General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence’ (6 December 2016, UN Doc: CRC/C/GC/20) para 42.

⁷ [2022-Synthesis-Report-Climate-Justice.pdf \(enoc.eu\)](#)

adults and children to freedom of expression".⁸ It is important that the rightful concern around eco-anxiety among young people is not used as a reason to restrict access to information.

We recommend that the General Comment emphasizes the need to balance the rightful concern about the rise in eco-anxiety in young people with their right to access information.

VI. Climate change

3.9 States should consider as a matter of course consumption based emissions as well as production based emissions. This has been a key ask of many young people's movements around climate change.

We recommend that the General Comment includes reference to production as well as consumption emissions in terms of mitigation approaches.

4. Concluding comment

The solutions to climate breakdown and environmental degradation are dependent on our willingness to change our behaviours, our laws and relationships with the rest of the natural world. It is important that not only do we focus our gaze externally but also internally on our own footprint within the groups and organisations we work in and belong to.

We welcome this consultation and do not hesitate to get in contact us at karin@niccy.org if you require further information.

⁸ UNHCR, 'Report by Special Rapporteur Fran La Rue on the Promotion and Protection of the Right to Freedom of Opinion and Expression' (2010, UN Doc: A/HRC/14/23)