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# Statement on the Draft General Comment No. 26 by the Ombudsman for Children in Finland

The Ombudsman for Children (hereafter the Ombudsman) is an autonomous and independent government authority whose duties are provided for in the Act on the Ombudsman for Children (1221/2004). The Ombudsman promotes and evaluates the implementation of the UN Convention on the Rights of the Child in Finland.

## The Ombudsman’s comments on the Draft General Comment No. 26

**General remarks**

The Ombudsman welcomes the work the Committee has undertaken concerning children’s environmental rights. Due to the lack of a specific provision concerning children’s environmental rights it is of extreme importance to examine how children’s rights and the environment are intertwined. In her meetings with children, it has become evident to the Ombudsman that children feel very strongly about environment, its degradation, and its protection.

The Ombudsman wishes to express her gratitude for the efforts that have been made to engage children in the drafting process. Unfortunately, as the resources of the Ombudsman are limited and there is a lack of official translators in Finland it has not been possible to translate the questions to every minority language used in Finland. Should any similar consultations occur in the future, it would be highly appreciated if the questions aimed at children were, where possible, delivered well in advance for those wishing to translate them. The Ombudsman has received feedback that the consultation [platform’s](https://l4cqlef9g5g.typeform.com/children?typeform-source=childrightsenvironment.org) child-friendliness could be improved and that the open-ended questions were difficult for younger children to comprehend. Undoubtedly, this is closely interlinked with the available language options for the online questionnaire.

**The rights of indigenous children**

Considering the often-disproportionate impact of climate change and environmental degradation on indigenous children it is commendable that special emphasis is put on them throughout the Draft. As is revealed in a recent study of the well-being of Sámi children and youth and the realisation of their rights in Finland Sámi children are aware of climate change and climate change is noticeable in the Sámi homeland, where it has a tangible effect on traditional livelihoods. The children described the effects diversely from the perspective of traditional livelihoods, such as fishing and reindeer herding.

*“The salmon are disappearing, the animals are suffering, we can't live off nature like we used to.”*

*“If climate change progresses this quickly, it must mean an end to reindeer herding and I will no longer know what to do with my life.”[[1]](#endnote-1)*

**Mitigation**

The Ombudsman considers it important that mitigation is addressed in the Draft. Urgent action and measures are needed in order to protect children’s rights. Notwithstanding the significance of mitigation, the Ombudsman wishes to underline that the actions taken to mitigate the effects of climate change might also have a disproportionately negative effect on children. In her meetings with children living in the rural areas (incl. Sámi children) the Ombudsman has noted children’s grave concern about climate change and its direct impact on traditional livelihoods. At the same time the children, however, expressed concern over increases in fuel prices inasmuch as it affects their leisure opportunities. The children whose families earn their living from e.g. agriculture, forestry or peat production told the Ombudsman that while they are concerned about the future of the earth, they also feel that the proposed solutions aimed at mitigating the effects of climate change threaten their families income and way of life, including their own future.

Section 111 thoroughly illustrates the different aspects which need to be considered in mitigation measures, but the Ombudsman suggests that child rights impact assessment is also expressly mentioned in this context. Without diminishing the importance of mitigation, the Ombudsman underlines that children’s rights should not be disproportionately affected by mitigation measures.

**The right to education**

The Ombudsman agrees with the Committee on the obligation of States to ensure the availability of walking and biking routes and public transport to school in order to safeguard the right to education. In her meetings with children (and based on research findings)[[2]](#endnote-2) the Ombudsman has learned that unlit routes to school are a significant cause of fear among children. Therefore, the Ombudsman suggests a slight addition to section 36 as follows: “This includes ensuring the availability of *child-friendly* walking and biking routes and public transport to school”.

**The right of the child to be heard**

A common concern for many children the Ombudsman has discussed climate change with is that adults do not take their eco-anxiety or their status as environmental rights defenders seriously. Some had even encountered inappropriate conduct by adults or fellow adolescents as a reaction to rather unexceptional matters such as a vegetarian diet. In this respect it is very valuable that the importance of feedback and access to complaints procedures are recognised in section 57.

Some children the Ombudsman has met with feel that they are saddled with the responsibility for the future of the planet. This causes anxiety in children, and it is crucial to emphasise that it is adults and decision-makers who bear responsibility for climate action. For this reason, the Ombudsman has repeatedly stressed at the national level that the right to be heard is a right not an obligation. This aspect was also emphasised in a book “Future of the planet and the rights of the child”, published in 2020 by the Office of the Ombudsman for Children.[[3]](#endnote-3)

For the above-mentioned reasons the Ombudsman supports the explicit reference to voluntary participation in section 57 and suggests that voluntariness is also added to section 77 as follows: “The obligation to fulfil requires States to combat negative societal attitudes to children’s right to be heard in relation to the environment, and to promote the *voluntary*, meaningful and empowered participation of all children within the family, schools, communities and broader environmental decision-making.”.

**Child rights impact assessments**

The Ombudsman shares the view that conducting child rights impact assessments in environmental matters is a heightened obligation of states. However, the Ombudsman finds that the expressions used in sections 83 and 87 of the Draft are somewhat inconsistent. The latter seems to emphasise the all-encompassing need for child rights impact assessments in all (environment-related) matters whereas section 83 leaves more room for interpretation due to its conditional formulation.[[4]](#endnote-4) Based on experiences from national level a more holistic formulation that underlines the essentiality of child rights impact assessments in all matters is preferable.

**Access to justice and remedies**

The Ombudsman has on several occasions highlighted the importance of children’s access to justice and remedies and expresses her gratitude to the Committee for tackling this matter in the Draft. On the national level the Ombudsman has been particularly worried about children’s lack of awareness of available remedies. On this account the Ombudsman proposes an explicit mention of informing the children of legal remedies.

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1. Elina Weckström, Karri Kekkonen & Outi Kekkonen (2023). *“I’m happy that I get to study this language and it’s part of my culture”: The well-being of Sámi children and the realisation of their rights*. Publications of the Office of the Ombudsman for Children 2023:1. Available in Finnish (English translation will be available later in Spring 2023) at: <http://urn.fi/URN:ISBN:978-952-400-291-2>. [↑](#endnote-ref-1)
2. *Lapsibarometri 2020: ”Unta, ruokaa, leikkejä, rakkautta ja karamelliä, juomaa” – Hyvä elämä 6 vuotiaiden kokemana* (ed. Terhi Tuukkanen). Publications of the Office of the Ombudsman for Children 2020:5, 10.12.2020. Available in Finnish (a summary in English is included) at: <http://urn.fi/URN:ISBN:978-952-259-875-2>. [↑](#endnote-ref-2)
3. *Maapallon tulevaisuus ja lapsen oikeudet* (eds. Elina Pekkarinen & Terhi Tuukkanen), Publications of the Office of the Ombudsman for Children 2020:4, 27.10.2020. Available in Finnish (an abstract in English is included) at: <http://urn.fi/URN:ISBN:978-952-259-843-1>. [↑](#endnote-ref-3)
4. Compare ”All proposed legislation, policy, regulations, budget or other administrative decisions related to the environment requires vigorous child rights impact assessments” and “Environmental standards, policies or measures that may affect children’s rights should be subjected to a child rights impact assessment”. [↑](#endnote-ref-4)