**Comments on the Draft General Comment on Children’s Rights and the Environment with**

**a Special Focus on Climate Change**

Environmental issues, especially climate change concerns the well-being of all people around the globe, children in particular,and thus require a concerted response of the international community. China is committed to the principle of the best interests of the child enshrined in the Convention on the Rights of Child (CRC). China has been protecting children’s basic rights such as the right to survival and the right to development and has been promoting children’s all-round development in line with its national conditions. With a view to promote a community of harmony between humanity and nature, the Chinese government is committed to green & low-carbon development and ecological conservation. We are pursuing and exploring coordinated solutions to environmental protection, economic development and poverty elimination. China attaches great importance to international cooperation on climate change, and is deeply engaged in building a equitable and rational global climate governance system for win-win results. China would like to present its comments on the Draft General Comment on children’s rights and the environment with a special focus on climate change as follows:

**First, the general comment should be strictly guided by the mandate of CRC.**

The Committee on the Rights of the Child (hereinafter the Committee), as the expert body established by CRC, should be strictly guided by the mandate of CRC, focusing on protecting children's rights. Part V “General obligation of States” of the draft general comment obviously exceeds the mandate of the CRC by commenting on specific climate issues such as mitigation, adaptation and climate finance. This may overlap with the discussion under the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, as the main channel.

According to article 45 of CRC, the committee may provide suggestions and recommendations to facilitate the implementation of CRC. Thus, those expressions such as "authoritative guidance" referred in paragraph 11(c) are inaccurate for lacking of legal basis. Those extra obligations such as extraterritorial obligations and due diligence obligations posed on States Parties in Parts V and VI of the draft general comments are out of the scope of the CRC.

**Second, the general comment should be in line with the legal framework of global climate governance.**

The UNFCCC and the Paris Agreement constitute the international legal framework for global climate governance. UNGA resolution No.76/147 on Promotion and Protection of the Rights of Children explicitly requires States to respond to climate change and protect children's rights under the UNFCCC and the Paris Agreement. When addressing the principle of common but differentiated responsibilities, the draft general comment should be strictly in line with the UNFCCC. When addressing the states’ obligations on climate action, the expression "high-income states" referred in paragraph 95 of the draft general comment is inconsistent with the stipulations of the UNFCCC and its Paris Agreement, thus, should be amended to "developed states".

**Third, the general comment should stress the importance of development in protecting and promoting children's rights.**

Both the CRC and the Paris Agreement emphasize on the particular account of the needs of developing countries. For developing countries, especially the least developed countries, sustainable development is the foundation for protecting children's rights and responding to climate change. The draft general comment emphasizes the importance on climate actions such as reducing greenhouse gas emissions. However, it paid less attention to the practical needs of developing countries to secure people's livelihood and promote development. It even paid less attention to the obligation of developed states, including leading in the reducing emissions and providing financial and technical assistance. The Committee should address the key role of poverty alleviation and economic development in the protection of children's rights and response to climate change. The committee should invite State Parties to the CRC to share their experiences in securing sustainable development while responding to climate change.

Furthermore, the draft general comment addresses the complex issue regarding transnational business activities and the protection of human rights for several times. However, this falls into the mandate of the intergovernmental working group on transnational corporations and other business enterprises with respect to human rights under the United Nations Human Rights Council. As the relevant discussion is still undergoing, the Committee should refrain from making an early conclusions on its own.