**Comments by the Government of Finland on the Draft General comment on Children’s rights and the environment with a special focus on climate change**

**15 February 2023**

The Government of Finland welcomes this opportunity to contribute to the preparation of a General Comment on children’s rights and the environment with a special focus on climate change. The Government considers the Draft General Comment highly important and supports the Committee’s work in this regard.

The Government would suggest the following changes (additions bolded and underlined, deletions in strikethrough):

**Paragraph 7:**

The Government would suggest the following changes:

“In a child rights-based approach, the process of realizing children’s rights is as important as the end result. As rights-holders, children are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as active environmental citizens. The child rights-based approach pays particular attention to the multiple barriers faced by **~~groups of~~** children in disadvantaged or marginalized situations **or groups** in enjoying their rights related to the environment.”

**Paragraph 15:**

The Government would suggest adding the following sentence to the end of the paragraph:

“When developing such plans in Indigenous Peoples’ traditional lands States need to take into consideration the rights of Indigenous Peoples.”

**In heading III.F**, The Government would suggest making the first word plural:

The right**s** of Indigenous children (art. 30)

**Paragraph 49:**

According to paragraph 49 of the Draft General Comment “indigenous children are disproportionately affected as a result of environmental degradation, pollution and Climate change”. In connection with the implementation of the National Child Strategy, the Finnish Ombudsman for Children commissioned a study on the realisation of the rights of Sámi children. One of the key findings of the study was that Sámi children have a strong relationship with nature and are very concerned about the impacts of climate change on the northern nature. It has been noted that young people experiencing climate anxiety can be supported at the individual level by discussing their related feelings with them, taking into account children's and young people's different opportunities and strategies for overcoming climate anxiety, and providing means for risk management and concrete climate measures.

The Government would suggest the following changes:

“Indigenous children are disproportionately affected as a result of environmental degradation, pollution**, biodiversity loss** and climate change. States parties should closely consider the **overall and cumulative** impact of environmental harm for the significance of traditional land **and its impact on Indigenous Peoples’ culture and language** and the quality of the natural environment while ensuring the right to life, survival and development of Indigenous children. States should also undertake measures to engage with Indigenous children and their families **in line with the free, prior and informed consent (FPIC) recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** in responding to climate change by integrating **~~as appropriate~~** indigenous cultures and **traditional** knowledge in mitigation and adaptation measures.”

The Government additionally suggests that it could be added to paragraph 49 that as climate and environmental problems cause concern among children and young people, they should be helped and supported in dealing with climate anxiety. Support should be provided in the children’s and young people’s own language, paying particular attention to their own culture and environment.

**Paragraph 50:**

The Government notes the following:

Paragraph 50 of the Draft General Comment discusses comprehensively different child groups that are vulnerable and susceptible to discrimination. The Government observes that this list should also include children and young people with mental health disorders that may hamper or prevent their enjoyment of their rights related to the environment, too. For example, General Comment No. 15 (CRC/C/GC/15) of the Committee on the Rights of the Child highlights children with mental health problems as one group in the context of the prohibition of discrimination. One reason to take this group of children into account is that, according to studies, climate change also affects people’s mental wellbeing through both direct and indirect impacts.

**Paragraph 57**:

The Government would suggest the following additions:

“States should ensure that age-appropriate**,** **safe and easily accessible** mechanisms are in place for children’s views to be heard regularly and at all stages of the environmental decision-making process for legislation, policies, regulations, projects and activities that may affect them at sub-national, national and international levels. For voluntary, respectful and transparent participation, children should be provided with environmental and human rights education, age-appropriate **and easily accessible** information, adequate time and resources and a supportive and enabling environment. They should receive information about outcomes of environment-related consultations and feedback on how their views were considered and have access to complaints procedures and remedies when their right to be heard in the environmental context is disregarded.”

Additionally, the Government observes thatit is important to highlight human rights education. Democracy education could be also mentioned in this paragraph. One of the objectives of democracy education is to strengthen young people’s participation in society and to increase their competences for democracy. In environmental issues and influencing, democracy education plays an important role in addition to human rights education. The Government notes that human rights education could be defined more precisely to include democracy education, *i.e.* learning to participate, for example in schools.

**Paragraph 60:**

The Government notes the following:

Bullying and hate speech have a significant impact on children’s and young people’s everyday wellbeing. These phenomena are increasingly intertwined with digital environments.

The Government is of the view that the paragraph should also highlight the responsibility of businesses for hate speech, especially in online environments and when experienced by children. The Committee notes in its General Comment No. 16 (CRC/C/GC/16) that digital media causes particular concern as many children may use the Internet but also face bullying there. In General Comment No. 25 (CRC/C/GC/25), the Committee notes that the business sector affects children’s rights both directly and indirectly by providing products and services related to the digital environment. Businesses must respect children’s rights and prevent and remedy violations related to their rights and the digital environment. In this context, the Committee refers to General Comment No. 16 and points out that States Parties are obliged to ensure that businesses meet their obligations.

The Government is of the view that the wording of the paragraph leaves it somewhat unclear whether the Draft General Comment takes into account the responsibility of both states and businesses for, for example, eradicating hate speech and protecting children against it. Many young people active in climate change issues encounter harassment, targeted attacks and threats, especially online, and should be actively protected against these phenomena. The context of online hate speech explicitly could be also highlighted.

Concerning **remedies (paragraphs 64-69**), the Government observes that the aim should be that children have the same remedies as everyone else, not that they should be treated differently from other groups.

**Paragraph 64:**

The Government notes the following:

The Government observes that the scope of the paragraph is somewhat unclear. In case the wording of the paragraph is interpreted to include complaints on passivity of the State, such as failure to implement plans, this could cause challenges regarding national legislation.

**Paragraph 65**:

The Government notes the following:

Concerning the following sentence “States should consider providing for collective complaints, such as class actions and public interest litigation and extending limitation periods for violations of children’s rights due to environmental harm”, the Government considers that it would not be appropriate to extend limitation periods for one particular group.

**Paragraph 66:**

The Government notes the following:

The Government questions the requirement to hear children directly in any judicial or administrative proceedings affecting them. The Government suggest redrafting the paragraph in a way that it would be more in line with Article 12 of the Convention, including the requirement that the views of the child should be given due weight in accordance with the age and maturity of the child.

**Paragraph 67:**

The Government notes the following:

The Government questions the suggestion to reverse the burden of proof in these types of cases for one particular group.

**Paragraph 69:**

The Government notes the following:

The Government would propose clarifying how the suggested types of reparations relate to each other. The Government assumes that not all types of reparations would need to apply in all possible cases.

**Paragraph 79:**

The Government suggests the following changes:

“States are obligated to devote **~~the maximum available~~** **necessary** 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.”

**Paragraph 86:**

The Government notes the following:

It is important to supplement the last sentence of the paragraph with information related to climate change mitigation, including democratic opportunities and means of influence, the planetary diet, everyday mobility preferences, avoiding overconsumption and, for example, repair and recycling skills in the context of circular economy.

**Paragraph 89:**

The Government notes the following:

It is important that the Draft General Comment highlights child rights impact assessment and its significance. The Draft General comment emphasises the prior assessment of impacts. However, more emphasis could be placed on the follow-up assessment of decision-making and the measures taken (*ex-post* assessment). The follow-up assessment is closely linked to the prior assessment and they complement each other. The information from the assessments is accumulated. Decision-making and the preparation of measures benefit from a thorough earlier follow-up assessment or review on the current situation. The follow-up assessment also contributes to more systematic implementation of the decision-making and measures and provides a longer perspective for actions and decisions, which is particularly important in environmental issues.

**Paragraph 101:**

The Government notes the following:

The Government observes that science-based measures and international climate treaties should be included in to the first sentence. At the end of the paragraph, the promotion of circular economy could be mentioned.

**Paragraph 106 and Paragraph 107:**

The Government notes the following:

The current wording "extreme weather events" may also be understood to include heat and heat-periods, but since the issue is highly significant from the perspective of the realisation of fundamental rights, especially in developing countries. The Government observes that this could be highlighted and its impacts could be explained: if no preparations have been made for long heatwaves and no cooling facilities have been introduced, the heat threatens children’s lives and health and may also restrict their opportunities of attending school or engaging in free play outdoors. Heat and drought already have a significant impact on food production and access to water, and the impact is reflected in children’s nutrition, health and ability to survive.

**VI.C. Mitigation**

The Government notes the following:

The wording in section “VI.C. Mitigation" of the Draft General Comment does not appear consistent in relation to the other sections, which strongly highlight children’s and families’ agency. The Government is of the view that it is good that the section emphasises the Governments’ mitigation measures but these, as well, chould be concretised: the key measures for agriculture, forests, energy, transport and industry should be specified. Moreover, for example overconsumption is one of the root causes of the climate crisis, as well, and tackling it requires a cultural change in which civil society, including families and children, plays its own role not only through democratic participation and influence but also as a community of consumers. The section “VI.D. Business and climate change" hardly mentions any such interaction in respect of consumer movements. However, if the demand for climate-friendly products increases and that for climate-hostile ones decreases, the market reacts accordingly.

The Intergovernmental Panel on Climate Change, for example, has highlighted the planetary diet and climate-friendly modes of transport, which states should support for their part. For example, children should be enabled to observe the planetary diet in daycare centres and schools, urban structures should favor safe everyday physical activity for the entire family, repair skills should be increased in schools etc. Concrete promotion of such matters, for example in schools and families together with parents, may also reduce children’s anxiety about climate change.

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