**Poland’s comments to the Draft General comment No.26 (202x)**

1. The scale of the environmental harm poses a serious threat to children’s rights globally. Unsustainable extraction and use of natural resources, combined with widespread pollution, have had a profound impact on the natural environment, driving a climate change, intensifying water, air and soil pollution, causing ocean acidification, and devastating biodiversity as well as ecosystems that sustain all life.

8. The exercise of children’s rights can and should result in more rights-compliant, and therefore more ambitious and effective, environmental policies. In this way, child rights and environmental protection form a virtuous circle.

22. As children mature, they increasingly act as agents of change with the potential to contribute positively to their families, communities and countries. Globally, children make significant contributions towards environmental sustainability and climate justice. 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.

24. Environmental pollution poses a major threat to children’s health, as explicitly recognized in article 24 (2) (c) of the Convention. However, in many countries the impact of environmental pollution on children’s health is underestimated. Contaminated drinking water, inadequate sanitation as well as toxic emissions resulting from industrial development, may cause unwanted side effects even long after exposure.

36. States are obliged to build physically safe, healthy and resilient infrastructure for effective learning.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 with adequate heating and cooling, access to sufficient, safe, and acceptable drinking water[[1]](#footnote-1) and sanitation facilities, especially for girls. Environmentally-friendly school facilities, such as lighting and heating sourced from renewable energy systems, can benefit children and ensure compliance by States with their environmental obligations.

1. States should also address the knock-on effects resulting from environmental impacts on children, such as the need for them, especially girls, to leave school due to the additional domestic and economic burdens in households facing environment-related shocks and stress.

42. Children should have access to adequate housing that conforms with international human rights standards, including sustainable and resilient infrastructure that is not built on polluted sites nor in proximity to pollution or radiation sources. They should have access to homes equipped with safe and sustainable sources of clean drinking water, energy for cooking, heating, lighting, appropriate ventilation, sanitation and hygiene facilities free from pathogenic microbes and toxic substances. The effective waste management, should also be ensured, as well as protection from excessive noise and overcrowding. Such provisions equally apply to children displaced by climate- or environment-related harm.

47. States shall take effective legislative, administrative and other measures to ensure that all children, without discrimination, are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds. Public planning in both rural and urban settings should prioritize the creation of environments which promote the well-being of children and take their needs into account. Consideration should be given to provision of access to landscaped green areas, large open spaces and nature for play and recreation, with safe, affordable and accessible transport, equipping roads with devices reducing the level of noise, vibration and pollution that could be transferred from roads to residential estates, schools and playgrounds, as well as designing of zones for players, pedestrians and bikers.

1. States should ensure that age-appropriate 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, with the respect of the responsibilities, rights and duties of parents or other persons legally responsible for the children recognized in art. 5, age-appropriate 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.
2. Children who express their views or engage in public protests on environmental degradation, climate change and climate-related projects may face threats, intimidation, harassment or other serious reprisals. States are required to protect the rights of environmental child rights defenders, including through the provision of a safe and empowering context for the implementation of children initiatives to defend human rights. States should undertake all appropriate measures to ensure that laws relating to defamation and libel are not abused by third parties to repress those children’s rights, including through adoption and implementation of laws to protect child rights defenders in accordance with international human rights standards, raise awareness against stigmatization of activities and provide effective remedies for violations of their rights to freedom of expression, peaceful assembly and association.
3. States should foster, recognize and support, with the respect of the rights and duties of parents or other persons legally responsible for them, recognized in art. 5, the positive contribution of children towards environmental sustainability and climate justice as an important means of civil and political engagement through which children can negotiate and advocate for the realization of their rights related to the environment, and hold States accountable.

**Poland proposes to add a new paragraph 71(a) which would read as follows:**

71(a) Children have the right to live in an environment where natural resources are conserved and waste is managed in an efficient and environmentally sound manner. Waste not only pollutes the soil, groundwater and air, but also emits carbon dioxide and methane into the atmosphere, thus contributing to climate change. At the same time, it is worth emphasizing that waste is not only a problem that needs to be counteracted, but is also a valuable resource that should be used as efficiently as possible. That is why it is so important to build social awareness and knowledge in that area, and children should have access to reliable education to learn the effective waste management.”

**Since there is no international agreement on phasing out the use of coal, oil and natural gas, Poland proposes the following wording of the paragraph 73 (d):**

73 (d) ~~Phase out the use of coal, oil and natural gas~~ Phasedown and adapted gradual changes to capabilities of national economies from the use of unabated coal power and phase-out of inefficient fossil fuel subsidies by investing in renewable energy, energy storage and energy efficiency to address the climate change issues;

1. Procedural elements have similar importance, including access to information, participation in decision-making and access to justice with effective remedies, empowering children, including through education, with the respect of the responsibilities, rights and duties of parents or other persons legally responsible for the children recognized in art. 5, to become agents of their own destiny, actively shaping their future rather than passively inheriting a clean, healthy and sustainable environment.

78. States should take deliberate, concrete and targeted steps towards achieving the full and effective enjoyment of children’s rights related to the environment, including through the development of legislation, policies, strategies or plans that are science-based and consistent with relevant international guidelines related to environmental health and safety, ~~such as those established by the World Health Organization~~. States shall not take retrogressive measures that are less protective of children without convincing justification.

1. 85. Children have the right to access relevant information, including the causes, effects and actual and potential sources of climate change and environmental pollution, finding from climate and environment impact assessment, relevant climate legislation, currently undertaken mitigation and adaptation actions. They have also right to know the appropriate lifestyle choices for sustainable development, and what can be done in their immediate environment related to waste management and consumption behaviours. 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.

 C. Mitigation

1. The Committee calls for collective accelerated actions to use the narrow temporal window of opportunities to mitigate the effects of climate change. In particular, historical and current major emitters have heightened obligations to take effective measures to contribute to mitigation efforts.

109. Insufficient progress in achieving international commitments to limit global warming to pre-industrial levels exposes children to the significant threats to their rights associated with greater concentrations of greenhouse gas emissions and correlative temperature increases. Greater risk in relation to children’s rights and climate change represents the passing through so-called “tipping points”, or thresholds beyond which certain impacts can no longer be avoided.

110. Mitigation measures should be based on the best available science, reflect the “highest possible ambition,”[[2]](#footnote-2) and be regularly reviewed to ensure a pathway towards low carbon emissions in a manner that prevents harm to children.

111. When determining the appropriateness of their mitigation measures in accordance with the Convention, States should take into account the following criteria:

1. Mitigation measures should clearly indicate how they respect, protect and fulfil children’s rights under the Convention. States should transparently and explicitly focus on children’s rights when preparing, communicating and maintaining nationally determined contributions.[[3]](#footnote-3) This obligation includes biennial update reports, international assessment and review, international consultation and analyses.[[4]](#footnote-4)
2. Mitigation measures should be informed by the principles of equity and common but differentiated responsibilities and respective capabilities. States have an individual responsibility to mitigate climate change in order to fulfil their obligations under the Convention and international environmental law.[[5]](#footnote-5) Mitigation measures should reflect each State party’s “fair share” of the global effort to mitigate climate change, in light of the total reductions necessary to protect against reasonably foreseeable harm to children’s rights. Developed States should continue to take the lead by undertaking economy-wide absolute emission reduction targets and other States should enhance their mitigation measures in the light of different national circumstances in a manner that realizes children’s rights to the maximum possible extent.[[6]](#footnote-6)
3. Short-term mitigation measures should take into consideration that delaying ambitious emissions reduction measures until after 2030 will result in higher cumulative emissions, and thus greater foreseeable harm to children’s rights.
4. Successive mitigation measures should represent a “progression over time”,[[7]](#footnote-7) keeping in mind that the timeframe for children is shorter and requires urgent actions.
5. Mitigation measures should not rely only on negative emissions to remove carbon dioxide from the atmosphere. States should also take measures to reduce emissions now in order to support children in full enjoyment of their environment-related rights in the shortest possible period of time.[[8]](#footnote-8)

112. States should consider discontinuing financial incentives or investments in activities and infrastructure that are not consistent with low greenhouse gas emission pathways, whether undertaken by public or private actors, as a mitigation measure to prevent further damage and risk.

113. Developed States should assist developing countries to plan and implement mitigation measures in order to help the most vulnerable children.[[9]](#footnote-9)

1. E/C.12/2002/11, paras. 12(c)I, 16(b). [↑](#footnote-ref-1)
2. Paris Agreement, art. 4.3. [↑](#footnote-ref-2)
3. Ibid., art. 4.2. [↑](#footnote-ref-3)
4. Ibid., art. 14.4. [↑](#footnote-ref-4)
5. *Sacchi et al v Argentina et al*, para. 10.6. [↑](#footnote-ref-5)
6. Paris Agreement, art. 4.4. [↑](#footnote-ref-6)
7. Ibid., arts. 3 and, 4.3. [↑](#footnote-ref-7)
8. UNFCCC, arts. 4(1)(h)(i)(j), (2)(b); Paris Agreement, preamble, arts. 4.8, 12, 13. [↑](#footnote-ref-8)
9. Paris Agreement, art. 13.9. [↑](#footnote-ref-9)