**“Enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergeneration justice”**

**Submitted to the Special Rapporteur on the promotion and protection of human rights in the context of climate change**

**Inputs of Child Rights Coalition Asia (CRC Asia)**

Child Rights Coalition Asia (CRC Asia) submits the following inputs informed by recommendations from civil society organizations, including child-led organizations.

**Enhancing Climate Change Legislation**

Climate change legislation should not muddle government’s obligations and the accountability of both public and private major greenhouse gas emitting entities on adaptation, mitigation and loss and damage. It should ensure that governments are leading different stakeholders in taking preemptive action to protect people, especially vulnerable and marginalized communities from the consequences of climate change **(adaptation).** It should have governments own the primary responsibility to avert, minimize and address loss and damages due to climate change **(mitigation).** It should provide guidance for government and other stakeholders to uphold human rights-based, including child rights-based, actions in helping people, especially children, after they have experienced climate-related impacts **(loss and damage)**.

Climate change legislation should recognize that while all children in vulnerable and marginalized communities are facing multiple and intersecting barriers in enjoying their right to a clean, healthy, and sustainable environment, children are not a homogeneous group. Gender, diversity, backgrounds, and different contexts contribute to the adverse and disproportional impacts of environmental degradation and climate change to children. ***It should recognize that a clean, healthy, and sustainable environment is a prerequisite for the full enjoyment of distinct yet interconnected children’s rights as indicated in the UN Convention on the Rights of the Child (UN CRC), its Protocols and General Comments.*** Child rights-based approaches are imperative to enable every individual, especially children, to counter and become resilient to impacts of climate change. Climate change legislation should be informed by child rights impact assessment while there is a crucial and immediate need to mainstream and institutionalize children’s rights in the exercise of Free, Prior, and Informed Consent (FPIC) and other mechanisms of people’s participation in environmental management. It should also allow for quality and disaggregated data that will surface the multiple and intersecting barriers to the realization of the right to clean, healthy, and sustainable environment by each and every individual, especially children.

Climate change legislation should recognize that access to information is prerequisite to people’s, and particularly to children’s, meaningful participation. This includes the ***need for government’s leadership in ensuring that every child, their families and immediate community have access to quality and evidence-based information and safe spaces to either initiate or participate in discussions*** related to everyone’s right, including children’s right to a clean, healthy, and sustainable environment. This also includes the need for governments and different stakeholders to provide all individuals, including children in different situations and conditions, with understandable information about climate change, its related programs and projects, ***including opportunities for them to participate in decision-making through age-appropriate, gender-sensitive and inclusive materials and media.*** For children, these will have to be sensitive to their evolving capacities.

Children and youth should be encouraged to study green technology and develop innovative solutions to environmental problems.

Artists and other cultural workers should be encouraged and incentivized to promote critical thinking, generate enthusiasm to protect nature and make creative solutions to generate more gender transformative and gender sensitive thinking and attitudes to address environmental problems.

Climate change legislation should incentivise the shift to green energy sources (e.g. installation of solar energy/wind energy to power homes, schools and other public and private buildings) and other eco-friendly practices (e.g. water recycling/harvesting systems in condominiums, other projects of national and subnational governments and large enterprises) while also ensuring that governments lead different stakeholders and enable people, including children and families in disadvantaged communities, to inclusive “just transition” to taking urgent actions against environmental degradation and climate change. Children and families heavily dependent on negative industries (e.g. brick kiln factories, mining) should be assisted and liberated by governments from unhealthy conditions of earning income.

Climate change legislation should also support the development of new infrastructure and the retrofitting of old structures to be more climate adaptive, preventing extreme heat for example for school buildings and health facilities, ensuring adequate clean water supply, and provisions for safe housing and safe and enriching spaces for children to enjoy nature and adequate space for play and recreation.

Climate change legislation at national and subnational levels, should always make basic necessities coming from natural environment accessible and free from monopolization and commercialization. The mechanisms for community-based natural resource management (e.g. farming, settlement-building, water distribution) should be protected from abuse and manipulation of large-scale trading schemes.

Climate change legislation should ensure that climate finance mechanisms are anchored on a child rights-based approach under the UN CRC, its Protocols and General Comments.

The actions of intergovernmental institutions should also support the abovementioned characters of climate change legislation. Climate change legislation should enable and not constrain national and local levels of government to act on transboundary issues of climate change especially if the best interest of the child are at risk (e.g. impact of transboundary haze on children’s education and health in many countries in Southeast Asia).

**Support for Climate Change Litigation**

For climate justice to be accessible to children in vulnerable and marginalized communities, their families and immediate community, must be protected from the following major barriers to initiating climate change litigation:

1. threats to climate activists, including children environment and human rights defenders, and organizations (e.g. Strategic Lawsuit Against Public Participation or other forms of harassment by powerful entities dominating natural resource management)
2. weak or lack of accountability of public officials at the national and local levels, thus, failing to lead the people in demanding for justice
3. limited environmental lawyers
4. absence/lack of access to resources on climate justice
5. limited jurisprudence related to climate concerns
6. non-recognition of or lack of understanding on the connection of human rights and climate change by actors in national justice systems (e.g. Judges)

***Child rights mainstreaming will have to be urgently facilitated in climate change litigation.*** And examples by which this can be realized is through the inclusion of child rights–based climate litigation in legal education systems (e.g. Mandatory Continuing Legal Education or MCLE and in training courses of the Philippine Judicial Academy or PHILJA).

The policy environment for climate change litigation should be made sensitive and respectful of human rights, especially the rights of children environment and human rights defenders. When children take on the roles of human environmental and/or human rights defenders, they are at heightened risk for different forms of harassment and risks to life and healthy development. Governments should ensure coherence and synergy of measures, including timely access to justice of victims and survivors of human rights violations either caused or aggravated by climate change. For children, it is especially crucial for governments to provide holistic support because exercising climate action, including their participation or demand to partake in climate litigation, also affect their mental health and the development of their evolving capacities.

**Advancement of the Principle of Intergenerational Justice**

***Respect for children’s rights is a prerequisite for the advancement of intergenerational justice.***

The meaningful participation of children in the discussions and relevant decision-making processes and the serious consideration of their views by governments and other stakeholders is a crucial element for the current generation to understand climate solutions that are respectful of the rights of future generations.

As stated above, children’s access to quality and evidence-based information related to their right to a clean, healthy and sustainable environment is a prerequisite to their meaningful participation. Such information, distributed either through formal or informal learning institutions and spaces, should reflect changing environments and new environmental science. These learning platforms and spaces should also allow children to develop critical thinking to be able to protect themselves from false narratives and disinformation on climate change. Hence, the advancement of the principle of intergenerational justice requires government’s leadership in allowing safe platforms and spaces (e.g. intergenerational dialogue and training, exposure/immersion to the activities of elders in their community) for children to participate in related discussions with other members of the society (e.g. elderly and other adults including parents and other child caregivers, children in different age brackets).Such learning environment should also support the integration of climate change issues in social protection programs to emphasize that each member of families and communities has a role to play in the protection of the environment.

While it is important for governments and other stakeholders to recognize and address the vulnerability of children to the impacts of climate change, they should recognize the importance of providing adequate support to children so that the latter may be able to harness their full potential and to contribute to surfacing climate solutions.

**About Child Rights Coalition Asia (CRC Asia)**

CRC Asia is a network of child rights organizations working together to be a strong voice for child rights in the region by leading in strengthening child rights movements, promoting innovative approaches, and advocating better policies for and with the children.

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