São Paulo, June 23, 2022

To

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

**Contributions by Alana Institute to call for input “Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage**”

Excellency Mr. Special Rapporteur, **Ian Fry**

**I.** **About Alana Institute**

1. Alana Institute is a non-profit Brazilian civil society organization that seeks to guarantee the necessary conditions for the full experience of childhood. A Brazilian and Global South organization, founded in 1994, Alana's mission is to “honor children”[[1]](#footnote-0) by promoting and protecting their rights with absolute priority. In regards to children's rights and the environment, Alana Institute, through the Children and Nature program[[2]](#footnote-1), aims to defend the right of every child to live in a healthy environment, strengthening its bond with nature.
2. The Alana Institute's contributions to the discussions involving the topic about loss and damage related **promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change** were answered associated with the global impact on the perspective of the Brazilian and Global South reality[[3]](#footnote-2). These are fundamental themes and perspectives, which must be highlighted and considered in the elaboration of this contribution.

**II. Answers to the suggested questions**

**1. What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?**

Climate change is considered a challenge for the child population that puts the full exercise of children's rights at a critical stage, imposing specific consequences and atrocious impacts due to the special stage of development[[4]](#footnote-3), making them especially more vulnerable to the impacts of extreme socio-environmental and climate events. As the climate crisis is a crisis of children's rights[[5]](#footnote-4) and when installed towards the Global South, the experiences they face regarding loss and damages due to the adverse impacts of climate change are commonly associated with the fact that:

1. In Latin America and the Caribbean, 9 out of 10 children are exposed to at least two climate and environmental shocks[[6]](#footnote-5);
2. In Brazil, in peripheral urban areas with greater socioeconomic vulnerability, children, especially poor and black children, are the most affected by the greater intensity and occurrence of extreme events of floods and landslides, resulting from changes in the climate regulation system and its consequences. hydrological conditions, these in turn affected by deforestation;
3. In Brazil, 8.6 million girls and boys are exposed to the risk of lack of water; and more than 7.3 million are exposed to risks arising from river flooding[[7]](#footnote-6);
4. The increasingly recurrent extreme weather events have impacted millions of people to food and water insecurity, having a stronger impact in Latin America. Climate change has slowed the productivity gains of world agriculture over the last 50 years. Malnutrition has increased, mainly affecting children, pregnant women and indigenous people. And children will be 5 (five) times more exposed to extreme events throughout their lives and with even higher temperatures[[8]](#footnote-7);
5. Children growing up in South America will face an increasing number of days with water shortages and restricted access to water. And future generations will also witness the strongest negative effects of climate change on food production and availability and damage to health and its integral development.[[9]](#footnote-8)
6. New generations will experience an average 2 to 7 times higher incidence of fires, droughts, floods, tropical storms and crop failures (less profitable crops) over their lifetimes compared to those born in 1960, and longer droughts in Brazil[[10]](#footnote-9).
7. In Latin America, a child born in 2020 will face, compared to someone born in 1960: 50% more likely to suffer from fires; two and a half times more likely to live under crop failures; twice as many droughts and floods; 4.5 times more hot flashes. The effects of this are felt in a chain: heat waves damage health, leaving children subject to hospitalizations. Crop failures affect the price and supply of food. Floods, floods and droughts intensify global migratory movements[[11]](#footnote-10).
8. When ranked by income, the economically privileged 50% countries are responsible for 86% of the cumulative global CO2 emissions, while the economically vulnerable half are responsible for only 14%. that will face the greatest weight of losses and damages to health and human capital, land, cultural heritage, indigenous and local knowledge and biodiversity that result from climate change, inheriting socio-environmental problems that were not caused by them[[12]](#footnote-11).
9. The main consequences of the climate crisis in the Amazon in the northern region of Brazil are: **(i)** precarious health of newborn babies, due to poor nutrition of pregnant women, in addition to the greater probability of premature births (before 37 weeks) and underweight after situations such as floods and droughts; **(ii)** impact on the food crop and consequently on access to nutritious food for pregnant women, who become potential targets of infectious diseases transmitted by mosquitoes; and **(iii)** negative impact on children's educational development, health and income throughout their lives[[13]](#footnote-12).
10. Extreme climate events such as extreme heat, rising sea levels, floods, landslides, heavy rains are responsible for violating a series of rights and also for taking away spaces, territories and children's time for community life and their right to leisure and the essential right to play, in particular to play outdoors in and with nature.
11. In Brazil, in 2016, as a result of pollution, it is estimated that 633 children under the age of six and 60 aged between 6 and 14 died. Equally relevant is the fact that, in the country, pneumonia appears as the main cause for hospitalizations within the scope of the Unified Health System. Air pollution worsened by 8% between 2008 and 2013. Mortality of children under five could be 50% higher than today in 2050, as a result of air pollution. 15 years die from air pollution every year. In Brazil, polluted air is responsible for chronic respiratory and lung diseases, these early exposures can predispose to other problems in adult life, such as cardiovascular diseases, strokes, diabetes and cancer.[[14]](#footnote-13).
12. In Brazil, in addition to mobile sources of pollution, it is important to consider pollution from agro-pastoral sources, such as fires. When the source of pollution is the burning, in addition to all the associated environmental loss, there are other considerable damages: increased emission of greenhouse gases, respiratory and cardiovascular diseases, as well as premature deaths, with children, the elderly, pregnant women and people with preexisting lung or heart disease the most vulnerable[[15]](#footnote-14).

**2. What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?**

Regarding legislation, policies and practices focused on repairing losses and damages, especially for children, most affected in the climate crisis scenario, it is imperative to highlight the need of: **(i)** recognition of the absolute priority of efforts, instruments and mechanisms of losses and damages aimed at prioritizing multiple childhoods in contexts of extreme weather events, as well as targeting actions aimed at adapting to the negative effects of climate change in the first place; **(ii)** due to the discrepancy of limited resources of the Global South in relation to the Global North, it is essential to understand actions and policies that break with neocolonialist practices and dynamics, especially with regard to prioritizing resources for the mitigation and adaptation of climate change for the most vulnerable communities of children and their families in the Global South; **(iii)** priority increase for the Global South of investments in climate mitigation and adaptation and resilience of key services for children; **(iv)** the reduction of greenhouse gas emissions by States and transnational companies, without the use of double standards and unfair trade practices; **(v)** the promotion of climate and ecological education linked to local cultures and identities and to multiple and different childhoods; **(vi)** including the best interests of children and their direct participation, especially the most vulnerable and traditional peoples and communities such as indigenous peoples and quilombolas, in all climate negotiations and decisions; the view of the shared responsibility of companies, especially multinationals and transnationals, for the fulfillment of environmental obligations within the Convention on the Rights of the Child, as provided for in the direct link of private agents to the Convention by art. 3.1, as explained in General Comment n. 16 of the Committee; **(vii)** recognition of a stable and healthy environment and climate are fundamental for the due and full guarantee of all children's rights provided for in the Convention, as well as special attention to the child's right to access nature, which must be recognized their right of access to green spaces and the open air, including and especially in urban centers; and **(viii)** and ensure recovery from the Covid-19 pandemic in an ecological, low carbon and inclusive manner.

**3. Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individual and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change.**

Some examples of remedial measures in which States, companies, civil societies and governmental organizations can take initiatives to protect children's rights are: **(i)** in line with the necessary observation of the absolute prioritization of efforts to protect life, health, physical integrity and well-being, food security, ways of life and cultures associated with the biodiversity and nature of this public; **(ii)** allocation of resources from specific public and private initiatives to create priority funds for children in the Global South to meet urgent, emergency and precautionary measures for the loss and damage of children; **(iii)** strategic mapping of main areas and territories with greater probability of loss and damage involving multiple children; **(iv)** creation of contingency plans in areas with greater and imminent risks of extreme weather events in areas with a large child population in traditional territories, indigenous lands, peripheral communities and slums with the support of public civil defense entities; **(v)** the simple promotion of child-friendly outdoor spaces to promote play and comfortable territories for children to thrive and grow healthy, such as natural playspaces that have been implemented in Brazil[[16]](#footnote-15).

**4. Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.**

In Brazil, the case of forced displacement, the loss of biodiversity and the ways of life of the traditional community of caiçaras of Enseada da Baleia in the Ilha do Cardoso State Park in the municipality of Cananéia on the coast of São Paulo, composed of countless families, women and children exemplifies some state actions and practices and those of intergovernmental organizations that have remedied and will help in the readaptation of this community regarding the losses and damages of the processes of erosion and maritime storms, such as: (i) research by the Department of Geology of the Federal University of Paraná alerted to the weather events; (ii) creation of emergency plans and inspections by the Department of Civil Defense, the transfer of 15 fishermen's homes who lived there and the sending of humanitarian aid materials; **(iii)** monitoring by the São Paulo Environment Department and the Chico Mendes Biodiversity Institute; **(iv)** development of community-based tourism, solidarity enterprises and handcrafted clothing; **(v)** community articulation to request inputs and donations, led by mothers and women.

**5. What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice particularly for individuals and communities, from the adverse impacts of climate change?**

It can be highlighted in terms of damages: **(i)** at the international level that address international policies and legal approaches related to children, the convergence between full compliance with the Paris Agreement and the Legal Regime linked to climate change and the Convention on the Rights of Children, with a special focus on respect for the principle of common but differentiated responsibility and the principle of intergenerational equity and precaution combined with a child rights-based approach, non-discrimination of these rights and best interest, right to life, survival and development and listening and children's participation. Another important direction is the recognition by the Committee on the Rights of the Child in the elaboration of the new General Comment n. 26 that provides specific wording for the topic of loss and damage with special attention to children in the Global South; **(ii)** at the regional level, mention is made of the necessary control of conventionality based on Advisory Opinion 23/2017, of the Inter-American Court of Human Rights within the scope of the Inter-American System of Human Rights, which in an avant-garde way, directs the understanding of the right to a healthy environment and balanced with regard to the American Convention on Human Rights, with special mention of article 26 in combination with article 11 of the Protocol of San Salvador, on the subject of economic, social and cultural rights. This understanding highlights the interdependence and inseparable relationship between human rights, the environment and sustainable development and highlights that environmental damage affects certain groups more strongly due to their peculiar vulnerabilities, such as: children and adolescents, women and girls and indigenous peoples. and indigenous children. With the same aim of making efforts to guarantee the rights of children and adolescents in terms of losses and damages and climate justice, there has been the recent environmental achievement for Latin America and the Caribbean, with the absence of Brazil's adherence to the multilateral instrument called Regional Agreement Escazú, which provides for access to information, public participation and access to justice in environmental matters, substantiating a movement towards guaranteeing the rights of present and future generations to a healthy environment, to sustainable and climatically stable development, with strengthening international cooperation by addressing common aspirations; **(iii)** at the national level, the Federal Constitution of Brazil in the connection of articles 225 (right to an ecologically balanced environment) and 227 (absolute priority for children and adolescents) expressly recognizes the premise of intergenerational ethics, the need to ensure an ecologically balanced environment for the current and successive generations, a right understood as fundamental and in line with the rights of all children and adolescents, without distinction being ensured with absolute priority from the shared responsibility between State, family and society.

**6. In 2021 at 26th session of the UN Climate Change Conference (COP26), some Parties and civil society organisations proposed a new financial facility to support loss and damage.**

**a. Please provide ideas and concepts on how a new facility would operate and how the funds needed to underwrite this fund would be established and maintained.**

In view of the great controversies during COP 26 that hampered a relevant implementation of a financial mechanism for damages, and considering a proposal for a new operationalization of funds, it is first necessary for developed nations to understand that compensation for damages due to adverse climate impacts is not merely interpreted as an admission of legal liability, triggering litigation and large-scale claims. Financing for damages does not need to be denied due to the liability and compensation debate. Developed countries must offer these resources as a form of solidarity to the most vulnerable, who have faced inevitable threats and this debate needs to be resumed with great force at COP 27 and focused on the child populations that are most prone to loss and giving as already mentioned.

**b. Please provide ideas and concepts on how a new financial facility for loss and damage could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change.**

At COP 27, it is important that negotiators get the language issues right, abandon the perspective that the costs of climate change damage are borne by each country and focus on the most vulnerable segments, such as children, traditional communities, indigenous peoples and black population and allocate organization and resources focused on supporting communities that are already suffering and do not have any financial support mechanism, and which are often located in the Global South.

**7. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?**

The main actions referring to the specific direction for the mitigation of the harmful effects of climate change linked to children, emphasized at this point, refers to the need for States to fulfill, with absolute priority for children, their role of editing more ambitious nationally determined contributions, of enhancing the public bodies and national environmental entities, to cooperate for legislative advances and in climate governance and to supervise the activity of private agents; that companies respect children's rights, especially not adopting double standards and discriminatory measures with children from other locations or nationalities, ceasing practices that violate rights, such as: transfer of obsolete technology; export of garbage and pollution, boosting transboundary carbon emissions; consumption of products from the production chains resulting from deforestation, the extraction of gold and other illegal minerals and work analogous to child slavery.

**8. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?**

At this point, it is crucial to focus on children who are the most affected from the Global South, which has a lower level of obligation to implement climate change policies, given its smaller contribution to the climate crisis. This attention is essential for countries with greater economic capacity to promote and cooperate with the implementation of actions and initiatives to mitigate the climate crisis. Dialogue, participation and listening to children, public consultation, technological and scientific incentives, the engagement of public authorities, the adoption and compliance with multilateral agreements, international treaties and other pacts in conjunction with specific national plans that place children in the centrality of resolutions are equally important to this objective.

Therefore, with the arguments and inputs described above, we kindly request to the **Special Rapporteur for a particular view to the issues and the reality of children from a Brazilian and Global South perspective for the “Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage”**, as well as highlight our desire to contribute to the organization and realization of a thematic workshop with the Brazilian and/or Latin American civil society as to further collaborate with this document. We also reiterate our assurances of esteem and gratitude and we remain at your disposal for any clarification.



1. Available at:<https://alana.org.br/> [↑](#footnote-ref-0)
2. Available at:<https://criancaenatureza.org.br> [↑](#footnote-ref-1)
3. They are: 1. Special vulnerability of children in the Global South to the environmental impacts of actions or omissions by States and transnational corporations; 2. Multiple violations of indigenous children's rights, including their cultural rights; 3. Right to a healthy and stable environment; 4. Right to access nature; 5. Impacts of air pollution; 6. Food insecurity and access to water; and 7. Environmental impacts of children's exposure to consumer culture. [↑](#footnote-ref-2)
4. PEREIRA, Tânia da Silva. **Direito da Criança e do Adolescente: uma proposta interdisciplinar**. Rio de Janeiro: Renovar, 2008. p. 25 [↑](#footnote-ref-3)
5. UNICEF. The climate crisis is a child rights crisis - Children’s Climate Risk Index (CCRI), 2021. Disponível em: https://www.unicef.org/reports/climate-crisis-child-rights-crisis, p. 80. [↑](#footnote-ref-4)
6. UNICEF. **9 out of 10 children in Latin America and the Caribbean are exposed to at least two climate and environmental shocks.** Disponívelem:<https://www.unicef.org/lac/en/press-releases/children-latin-america-and-caribbean-are-exposed-climate-climate-environmental-shocks>. Accessed on 14.02.2022. [↑](#footnote-ref-5)
7. UNICEF. **The climate crisis is a child rights crisis - Children’s Climate Risk Index (CCRI), 2021**. Available at: https://www.unicef.org/reports/climate-crisis-child-rights-crisis. 5 MBOW, Hans-Otto Pӧrtner et al. Special Report on climate change. [↑](#footnote-ref-6)
8. PÖRTNER, Hans O. et al. **Climate change 2022: impacts, adaptation and vulnerability**. 2022. Available at: <https://www.ipcc.ch/report/ar6/wg2/>. Accessed on 18/03 2022. [↑](#footnote-ref-7)
9. IPCC, **Painel Intergovernamental sobre Mudanças Climáticas**. Disponível em: https://www.ipcc.ch/. Cap. 4, p. 617, 748, e SPM.B, p. 12 e 17.Disponível em:<https://www.ipcc.ch/report/ar6/wg2/about/frequently-asked-questions/keyfaq3 Acesso em: 10.03.2022. [↑](#footnote-ref-8)
10. THRRY, Wim et al. **Intergenerational inequities in exposure to climate extremes**. **Science**, v. 374, n. 6564, p. 158-160, 2021.Available at: <https://www.science.org/doi/10.1126/science.abi7339>.Accessed on 13/022022 [↑](#footnote-ref-9)
11. op.cit [↑](#footnote-ref-10)
12. op.cit [↑](#footnote-ref-11)
13. Chacón-Montalván, E.A., Taylor, B.M., Cunha, M.G. *et al.* Rainfall variability and adverse birth outcomes in Amazonia. *Nat Sustain* (2021).Available at:<<https://doi.org/10.1038/s41893-021-00684-9>.> Accessed on 02/03/2021 [↑](#footnote-ref-12)
14. Ashish Sharma, Prashant Kumar. **A review of factors surrounding the air pollution exposure to in-pram babies and mitigation strategies**. Environment International. Volume 120. 2018 <https://doi.org/10.1016/j.envint.2018.07.038>. [↑](#footnote-ref-13)
15. Available at: <<https://www.who.int/health-topics/air-pollution#tab=tab_1>>. Accessed on 02/03/2021 [↑](#footnote-ref-14)
16. Children and Nature program. Natural Playspaces. Available at: <https://criancaenatureza-org-br.translate.goog/parques-naturalizados/?_x_tr_sl=pt&_x_tr_tl=en&_x_tr_hl=pt-BR&_x_tr_pto=wapp>. Accessed on: June 23, 2022. [↑](#footnote-ref-15)