

Joint Submission on General Comment 26 of the Committee on the Rights of the Child on Children’s Rights and the Environment with a Special Focus on Climate Change

This submission is made by the Advocacy Working Group (AWG) of Alliance for Child Protection in Humanitarian Action. Several AWG members formed a sub-group to discuss the forthcoming General Comment 26 on children’s rights and the environment with a special focus on climate change, from the perspective of child protection in humanitarian contexts. The sub-group convened series of online meetings and two workshops between November 2022 and January 2023, and then drafted this text. This submission identifies the areas of common agreement among the AWG members.

GENERAL OVERVIEW

Considering that the rapid pace of environmental degradation and changes to climate brought on by human activity are amongst the most pressing issues of our era, with disproportionate impacts on children, the AWG welcomes this General Comment for its timeliness and urgency. We appreciate the breadth of the scope of the General Comment and the in-depth focus on a wide range of children’s rights.

We also welcome that children’s right to be heard and given due weight has constituted a fundamental part of the process of drafting the General Comment, through the Children’s Advisory Team and the wide consultation process conducted in 2022. We applaud the fact that children’s views and perspectives are given prominence throughout the document.

As an Alliance of organisations whose work focuses on children’s right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, as set out in Article 19 of the Convention, our analysis suggests that the General Comment should afford further attention to this issue. In particular, considering the increasing state of planetary precarity brought on by climate change, we suggest that further attention should be afforded to children in humanitarian crises and the specific child protection risks that are more prevalent in such contexts, including displaced and refugee children (Art 22), children involved in exploitative labour (Art 32), and sexual and gender-based violence. Humanitarian crises are defined as “serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts that exceeds the ability of the affected community or society to cope using its own resources and therefore requires urgent action. [They]

can refer to slow- and rapid-onset situations, rural and urban environments and complex political emergencies in all countries.”¹

In light of the considerations above, the co-authors of this submission have identified the following issues that they recommend the Committee address within the General Comment. The incorporation of these issues would reinforce the urgent need for children and their protection to be recognised as essential and life-saving within contexts of humanitarian crisis and the climate crisis. The authors are willing to provide further information on any of the issues addressed within this submission.

PROTECTION OF CHILDREN FROM ALL FORMS OF VIOLENCE IN A CONTEXT OF ENVIRONMENTAL DEGRADATION AND CLIMATE CHANGE

The General Comment goes some way in acknowledging the extent to which *“a clean, healthy and sustainable environment is necessary for the full enjoyment of a broad range of children’s rights”*, including the right to be protected from violence and exploitation (para 8). We welcome the ways in which the General Comment highlights States’ duties to take measures to both prevent and respond to the impacts of climate change on children’s right to be protected from violence, including : emphasising the prevention of climate degradation as a means of fostering *“the resilience of children and their communities”* (para 102); requesting *“States should take additional measures to ensure that vulnerable children affected by climate change enjoy their rights, including by addressing the underlying causes of vulnerability”* (para 106); and calling for States to ensure *“a coherent approach in mainstreaming climate action across all decisions and measures concerning children, including policies related to child protection and health”* (para 104).

Nevertheless, we recommend the General Comment be strengthened by further emphasis on the protection of all forms of violence as per Article 19 of the Convention. Specifically, we recommend:

- Integrating a standalone paragraph on child protection in section III, under current section E, entitled: “The right to protection to all forms of violence (art 19).” We suggest the following wording for this paragraph:

“A growing body of research indicates that the climate crisis is exacerbating the drivers of violence including poverty, economic and social inequalities, food insecurity, conflict and forced displacement to such an extent that the climate crisis should be recognised as a “threat multiplier for violence against children”.² Conflict and forced displacement break down formal and informal child protection systems, causing children to be at greater risk of abuse, trafficking, exploitation and violence, including sexual and gender-based violence.

¹ Alliance for Child Protection in Humanitarian Action [Glossary](#).

² The Office of the Special Representative to the Secretary General on Violence Against Children (2022) [The climate crisis and violence against children](#), p.5; A/77/221

Children have voiced their concerns about the acceleration of climate degradation and the number of climate-related disasters, which drive further violence. In humanitarian contexts, States should afford particular attention to ensure the functioning of protective measures (as outlined in CRC art.19 para 2), including prevention, identification, reporting, referral, investigation, treatment and follow-up, through strengthening resilience of both national child protection systems and community-based mechanisms.”

- Reinforcing the links between child protection and the right to life, survival and development in sections III.A and III.B.
 - Para 16: Suggestion to add the words ‘discrimination’ and ‘violence’, leading the sentence to read: *“These impacts are closely linked to other fundamental challenges impeding the realization of this right, including poverty, inequality, **discrimination, violence** and conflict.”*
 - Para 17: Suggestion to add the word ‘violence’: *“The obligation of States to respect and ensure the right to life extends to protection of children from the harm caused by reasonably foreseeable threats, **violence** and situations that can result in loss of life with dignity.”*
 - Para 20, last sentence: Replace the word ‘interventions’ with **‘prevention and response measures’**
- Strengthening the links between child protection and other rights throughout the document by adding explicit references to child protection in paragraphs 29; 39 and 105.
- Mainstreaming the concept of safety through the document:
 - Add the word ‘safe’ to all sentences that describe children’s right to “a clean, healthy and sustainable environment” (paras 8; 18; 23; 39; 72); thereby systematising the phrasing used in para 10: *“a safe, clean, healthy and sustainable environment”*.
- Reinforcing references to the consequences of climate change on children’s mental health and wellbeing, for example by adding the following words to para 19: *“Examples include denial of access to nature, exposure to toxic substances and pollution in the places where children live, study, play and work, and detrimental mental health effects linked to **ecoanxiety, grief, isolation and sense of insecurity related to climate change and environmental degradation.**”*

ADAPTATION, MITIGATION AND CLIMATE FINANCE THROUGH A CHILD PROTECTION LENS

Adaptation measures are essential for the protection of children, as they improve the resilience of child protection, education and health systems and thus prevent or reduce children’s vulnerability to climate shocks. The General Comment refers to the various components of child-centred adaptation policy and programming in a comprehensive manner, notably by mentioning the necessary shift to child-sensitive preventive actions in the face of “imminent threats” in para 107. Acknowledgement of potential children’s direct participation in adaptation measures could be better noted; as already

called for as part of implementing the Sendai framework for Disaster Risk Reduction 2015-2030³, as well as the need to take into account the potential added value and sustainability of locally-led adaptation initiatives. This could be better reflected by adding additional wording (in bold) to para 105: *“Adaptation measures, including disaster risk reduction, preparedness, response and recovery, should take into account the views **and potential participation of children, and ensure that locally-led initiatives are strengthened.**”*

In addition, we recommend emphasising the urgent need for more child-sensitive investment in adaptation and resilience that address the specific risks to and vulnerabilities of children, as well as the drivers of violence linked to climate change, into Section V. For example, by adding the text in bold to para 76: *“States shall protect children against harmful environmental interferences from other sources [...], for example by establishing early warning systems **and invest in climate-resilient mechanisms necessary for the fulfillment of children’s rights, such as resilient child protection, health care and education systems.**”*

Furthermore, while more evidence is required to understand specific examples of maladaptation for children, existing evidence cited in the most recent IPCC report⁴ increasingly highlights the risks of maladaptation on other vulnerable populations⁵. This could be reflected by integrating an additional sentence (in bold) into para 106: *“**The risk of unintended consequences of adaptation measures - referred to as “maladaptation” - on children, particularly children facing compounding inequalities and forms of discrimination, should be accounted for and mitigated against.**”*

Mitigation measures are strongly linked to child protection in the sense that they include an intergenerational justice component by attempting to minimize the future negative impacts of climate change on children. The risks associated with certain mitigation measures (including carbon offsetting) could be mentioned more explicitly, especially regarding harmful practices for children. For example, adding the following phrase (in bold) to para 111. *Mitigation measures should be based on the best available science, reflect the “highest possible ambition,”³² and be regularly reviewed to ensure a pathway towards low carbon emissions in a manner that prevents harm to children, **including unintended negative consequences of implemented measures.**”*

Climate finance should ensure child-sensitive investments, and include provisions for strengthening health, education, protection and child-sensitive social protection systems. This should be seen as part of anticipatory actions to ensure the adaptation and resilience of social services and systems in the face of the climate crisis. We recommend adding the following wording (in bold) to para 120: *“In particular, States should **encourage the use of specified metrics to ensure child-sensitive investment and ensure that any climate finance mechanisms uphold and not violate children’s rights; increase policy coherence between child rights obligations and other objectives, such as economic development;**”*

³ UNDRR (2020) [Engaging Children and Youth on the Frontline of Disaster Risk Reduction and Resilience](#).

⁴ IPCC (2022) [Summary for policymakers](#). In: *Climate Change Adaptation 2022: Impact, Adaptation and Vulnerability*.

⁵ See, for example: Treichel, P. (2020) [Why focus on children: a literature review of child-centred climate change adaptation approaches](#).

include children’s views and strengthen the demarcation of roles of various stakeholders in climate finance, such as governments, financial institutions, businesses and affected communities, especially children.”

CHILDREN IN ALL THEIR DIVERSITY AND AN INTERSECTIONAL LENS

We welcome the Committee’s recognition of the way in which “*certain groups of children face heightened barriers to the enjoyment of their rights in relation to the environment due to multiple and intersecting forms of discrimination.*” (para 90). We support the emphasis on States’ duty to undertake specific measures to both prevent and address the uneven impacts of climate change, as well as take steps to ensure that adaptation measures do not inadvertently discriminate against groups of children at heightened risk (para 106).

Nevertheless, we feel that the General Comment could do more to bring attention to children in all their diversity and the disproportionate impacts of inequality and discrimination on certain groups of children.

For example, we note that the majority of references made to girls in the General Comment are in the paragraphs relating to education (III.C). We recommend including further information about the gendered protection risks linked to disruption to schooling, for example by adding the following sentence to paragraph 31 : “***Disruption to education impacts boys and girls differently: for boys, it is more likely to drive harmful and exploitative labour, while for girls, it is more likely to lead to child, early and forced marriage and adolescent pregnancy.***”

Moreover, we would suggest further references to the particular forms of inequality and gender discrimination outside of the school setting. For example, in para 8, including wording “*protection from violence, including sexual and gender-based violence, and exploitation.*”

In line with the concept of intersectionality, we also recommend the addition of the following phrases in para 8 : “*Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children including, but not limited to children with disabilities, indigenous children, displaced, refugee and migrant children, children working in hazardous conditions and those who experience intersecting and compounding forms of discrimination and marginalisation.*”

In addition, we recommend that references to gender, age, ethnicity and disability are mainstreamed through the document by adding additional text (in bold) to the following paragraphs:

- Para 8, “*protection from violence, including sexual and gender-based violence, and exploitation.*”
 - Para 46: “*Children, particularly, children with disabilities, and children experiencing other intersecting forms of inequality and discrimination, including those living in poverty ...*”

- Para 63: “Effective remedies should be available to redress violations.¹⁷ This requires States to provide **child-friendly, and gender-responsive, and disability inclusive** pathways for children to access justice.”
- Para 65: Child-sensitive, **gender-responsive, and disability inclusive** procedures should be available for claims of imminent or foreseeable harms, as well as past or current violations of children’s rights.
- Para 79: “*plans that are science-based, inclusive, age, and gender responsive and consistent with*”
- Para 85: “Access to **age-, gender- and ability-appropriate child-friendly** information (arts 13 and 17)

Finally, we recommend that all mentions of data (paras 30, 51 and 82) specify disaggregation according to age, gender and disability.

FORCED DISPLACEMENT AND CLIMATE-RELATED MIGRATION

Forced displacement and mass migration are amongst the most immediate and rapid consequences of climate change and natural disasters. We appreciate that references to displacement have been included in the General Comment to displacement (para 44) and climate-related migration (para 107), particularly highlighting a child rights-based approach. Nevertheless, we are of the opinion that additional details would further strengthen the text, and therefore we recommend that the following elements are integrated into paras 44 and 107:

- States should develop specific plans for mass displacement in emergency preparedness planning, particularly in contexts that have already experienced humanitarian crises. These should entail recognition of the gendered dimension of displacement: girls are more likely 'stay' behind, driving school drop-out, and child, early or forced marriage, while boys are more likely to enter into harmful or exploitative labour and longer patterns of mobility.
- Displacement may also occur internally, not only cross-border.
- When displacement occurs, States should ensure access to quality, integrated and adapted services at all stages of migratory routes.

BUSINESS AND HUMAN RIGHTS

We welcome the emphasis on businesses in Section V.F, particularly in view of the fact that business activity is the source of significant environmental damage (para 92). We feel that this section could be further strengthened by integrating a reference to the Child Rights and Business Principles,⁶ for example in para 91.

⁶ <https://www.unicef.org/documents/childrens-rights-and-business-principles>

Harmful and exploitative labour is a key protection concern for children. Therefore, we recommend the addition of a new paragraph in Section V.F focusing on child labour and business. For example:

“States should contribute to the elimination of child labour, including in all business activities and business relationships. This includes ensuring the protection and safety of children in all business activities and providing decent work for young workers, parents and caregivers”

Finally, we feel that certain elements of Section V.F could be strengthened with the addition of the following wording to the following sentences (recommended new words in bold):

- Para 91: *“Businesses have responsibilities to respect children’s rights and prevent, **monitor, identify, mitigate** and remedy violations of their rights”*
- Para 93: *“States have obligations to provide a framework to ensure that businesses respect, **protect and fulfil** the rights of the child”*
- Para 93: *“States should require businesses to undertake child-rights due diligence and **prevent, monitor, identify, mitigate and remediate** their impact on the environment and children’s rights including across their business relationships and within global operations **and their supply chain.**”*
- Para 93: *“A stricter process of due diligence is [...] through business activities across supply chains, **and particular attention is required in contexts of acute or protracted conflict and disasters**”*
- Para 94: *“businesses are preventing or mitigating environmental harms when this is not the truth. **Marketing should be accurate, transparent and supportive of children’s rights**”.*

ACCOUNTABILITY TO CHILDREN

Access to timely and effective remedy is the necessary corollary for the realisation of the full spectrum of children’s rights as set out in the Convention. In humanitarian contexts, accountability to affected populations is centred on a collective commitment to deliver of more ethical, principled, and dignified humanitarian responses.⁷ While we welcome the mentions of accountability in the General Comment (paras 68 and 104), we also recommend further reinforcing the concept of accountability to children by adding the following sentence to para 66: ***“In order to reinforce accountability, States should ensure that complaints are responded to in a timely manner, including details of what action has been or will be taken to address the complaint.”***

⁷ The Alliance for Child Protection in Humanitarian Action (2021) [The Alliance Strategy \(2021-2025\) | A Clarion Call: The Centrality of Children and their Protection within Humanitarian Action](#)

CONCLUSION

The Alliance AWG welcomes the opportunity offered by General Comment 26 to further the rights of all children to be protected from violence, abuse, exploitation and neglect in the context of environmental degradation and climate change.

This sub-group of the AWG that developed and reviewed this submission on behalf of the Alliance was supported by representatives from:

- ChildFund Alliance
- International Federation of the Red Cross
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- Save the Children
- Street Child
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- World Vision International