

15 February 2023

**Call for Comments ::** [**CRC - Draft general comment on children’s rights and the environment with a special focus on climate change**](https://www.ohchr.org/en/calls-for-input/2023/call-comments-draft-general-comment-childrens-rights-and-environment-special)

On behalf of the GE2P2 Global Foundation, we salute the efforts which led to this draft stage. We are pleased to submit our observations and recommendations on the draft general comment below.

For your reference, the GE2P2 Global Foundation is a U.S.-headquartered, global NGO founded in 2016 with a mission to advance scientific rigor and ethical resilience in research and evidence generation across health, human rights, humanitarian action, education and sustainable development. The Foundation’s community of practice – operating in 30+ countries – includes researchers, scientists, ethicists, multilateral agency leaders, government and ministry officials, INGO leaders, and field practitioners across disciplines. Among our key programmatic areas are governance and stewardship –implemented through our engagement of calls for comment and public consultation on laws, regulations, policies, guidance and other deliberative processes undertaken by multilateral agencies and the UN system, state actors, and more broadly by NGOs, civil society organizations and non-state actors overall.

Sincerely,



David R. Curry, MS

President & CEO

GE2P2 Global Foundation

david.r.curry@ge2p2global.org

**:::::::::::::**

**:::::::::::::**

**Paragraphs from CRC Draft General Comment/Indented GE2P2 Global Observations, Suggested Text**

**A. A child rights-based approach to the environment**

8. A clean, healthy and sustainable environment is necessary for the full enjoyment of a broad range of children’s rights, including to life, survival and development, health, education, adequate standard of living, housing, food, water and sanitation, rest, play, leisure and cultural life, enjoyment of their own cultures, and protection from violence and exploitation. Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children including children with disabilities, Indigenous children, and children working in hazardous conditions. **The exercise of children’s rights to freedom of expression and association, to information and education, to be heard and to effective remedies can 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.

***GE2P2 Global Observations/Text Suggestions***

We welcome the recognition in paragraph 8 on the imperative to assure “a clean, healthy and sustainable environment [as] necessary for the full enjoyment of a broad range of children’s rights…” Equally we align with the characterization of the negative impacts of environmental degradation on these rights.

We take special note of the bolded text above which speaks to the “exercise of children’s rights to freedom of expression and association, to information and education, to be heard and to effective remedies…” As we argue later in this comment with recommended text, the ability to effectively “exercise” these rights depends on an enabling legislative, legal and regulatory context at States level which empowers and protects children in these regards.

We argue that such “enabling legislative, legal and regulatory contexts” should be characterized by robust consent and assent rights for young persons and children.Later in this submission, we propose language to this effect for potential inclusion in the General Comment at *V. General obligations of States.*

**We urge consideration of additional text in paragraph 8 here which could take the form:**

“…The exercise of children’s rights to freedom of expression and association, to information and education, to be heard and to effective remedies can 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. Realizing this virtuous circle will depend, in important part, on States protecting these children’s rights and their exercise through legislation, laws and regulations which extend consent and assent rights to children and young persons aligned with their evolving capacity and local contexts.

**:::::::::::::**

**C. The best available science**

14. The present general comment draws on the best available and accepted science to describe the ways in which climate-related and other environmental harm interferes with children’s rights, to set out environmental protection standards required by international children’s rights law, and to assess the adequacy of response measures.[[1]](#footnote-1) As scientific knowledge about the environment evolves, the precautionary principle is required for the most advanced risk management.

**D. Precautionary principle**

15. Precautionary approaches to environmental decision-making protect children’s rights through ensuring that decision-makers bear responsibility for their (in)actions and prioritise children who are particularly vulnerable to environmental risks or harm. The gravity and probability of environmental

harm to children are often complex, unpredictable and irreversible. The precautionary principle requires States to take effective and proportionate action to prevent environmental harm to children, especially when there are threats of serious or irreversible damage, even if the scientific evidence is inconclusive. This can include assessing whether a harmful activity is necessary for achieving broader goals and replacing the activity with suitable alternatives. States should develop policies, action plans and other measures to achieve goals that prevent environmental harm, such as eliminating childhood exposure to pollution and toxic substances and rapidly reducing greenhouse gas emissions.

***GE2P2 Global Observations/Text Suggestions***

We note in these paragraphs the dynamic tension between “best available science” and the precautionary principle given that science is never “final” and continuing research and evidence generation to address gaps in knowledge and supporting datasets must be a continuing imperative.

Equally, as we also note later in our observations around paragraphs 30 and 81, the imperative for continuing research to strengthen and evolve “best available science” implies a variety of roles for children and young persons. Such roles will include participation as human subjects in research of various kinds ranging from simple observational studies to potentially high risk RCTs [randomized clinical trials] involving medicines and therapies which, for example, might mitigate harmful impacts from environmental degradation.

Responsible conduct of research involving children and young persons requires adherence to the highest ethical standards, including around assent and consent. We note that an earlier General Comment provides a helpful precedent here [see especially bolded text]:

[**CRC GENERAL COMMENT No. 3 (2003) HIV/AIDS and the rights of the child**](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjx8anp_pf9AhV1FVkFHSSeCEAQFnoECAgQAw&url=https%3A%2F%2Fwww.hivlawandpolicy.org%2Fresources%2Fcommittee-rights-child-general-comment-no-3-hivaids-and-rights-child-un-doc-crcgc20031&usg=AOvVaw2L06EpV5Y_7hovLOop9NBD)

***G. Involvement of children in research***29. Consistent with article 24 of the Convention, States parties must ensure that HIV/AIDS research programmes include specific studies that contribute to effective prevention, care, treatment and impact reduction for children. States parties must, nonetheless, ensure that children do not serve as research subjects until an intervention has already been thoroughly tested on adults. Rights and ethical concerns have arisen in relation to HIV/AIDS biomedical research, HIV/ADS operations, and social, cultural and behavioural research. Children have been subjected to unnecessary or inappropriately designed research with little or no voice to either refuse or consent to participation**. In line with the child’s evolving capacities, consent of the child should be sought and consent may be sought from parents or guardians if necessary, but in all cases consent must be based on full disclosure of the risks and benefits of research to the child.** States parties are further reminded to ensure that the privacy rights of children, in line with their obligations under article 16 of the Convention, are not inadvertently violated through the research process and that personal information about children, which is accessed through research, is, under no circumstances, used for purposes other than that for which consent was given. States parties must make every effort to ensure that children and, according to their evolving capacities, their parents and/or their guardians participate in decisions on research priorities and that a supportive environment is created for children who participate in such research**.**

We argue that text from the above paragraph 29 – especially the bolded text – be integrated into the Draft General Comment.

**:::::::::::::**

**B. The right to the highest attainable standard of health (art. 24)**

30. Availability of quality data is crucial for adequate protection against environmental health risks. States should assess local, national and transboundary health effects of environmental harm, including causes of mortality and morbidity, while taking into consideration the entire life course of children, vulnerabilities and disparities. Priority concerns and emerging environmental health issues should be identified**. In addition to data collected through routine health information systems, research is required, for example, for longitudinal cohort studies and studies of pregnant women, infants and children that capture risks at critical windows and sensitive health endpoints**.

***GE2P2 Global Observations/Text Suggestions***

We note and agree with the bolded language in paragraph 30 above*: “…In addition to data collected through routine health information systems, research is required, for example, for longitudinal cohort studies and studies of pregnant women, infants and children that capture risks at critical windows and sensitive health endpoints.”*

Insofar as “research is required” as noted above, it must be conducted with strict adherence to the highest ethical standards, including securing meaningful assent and consent. We note again the earlier [CRC GENERAL COMMENT No. 3 (2003) HIV/AIDS and the rights of the child](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjx8anp_pf9AhV1FVkFHSSeCEAQFnoECAgQAw&url=https%3A%2F%2Fwww.hivlawandpolicy.org%2Fresources%2Fcommittee-rights-child-general-comment-no-3-hivaids-and-rights-child-un-doc-crcgc20031&usg=AOvVaw2L06EpV5Y_7hovLOop9NBD)/G. Involvement of children in research, and its language: *“…In line with the child’s evolving capacities, consent of the child should be sought and consent may be sought from parents or guardians if necessary, but in all cases consent must be based on full disclosure of the risks and benefits of research to the child…”*

**We urge consideration of additional text in paragraph 30 here which could take the form:**

“…In addition to data collected through routine health information systems, research is required, for example, for longitudinal cohort studies and studies of pregnant women, infants and children that capture risks at critical windows and sensitive health endpoints. Such research involving children must ensure, in alignment with General Comment No. 3 [2003], that robust consent and assent from children and young persons is secured according to their maturity and capacity, and, in all cases, must be based on full disclosure of the risks and benefits of research to the child…”

**:::::::::::::**

**V. General obligations of States**

**A. The obligation to respect, protect and fulfil**

81. States should use platforms at all levels to collect and process data with respect to environment-related specifics on children’s rights. **States should ensure the collection of reliable and regularly updated and disaggregated data and research on environmental harms, including risks and actual impacts of climate-related harm on children’s rights**. They should include longitudinal data on the effects of environmental harm on children’s health and development at different ages. Such data and research should inform the formulation and evaluation of environmental legislation, policies, programmes and plans at all levels, and should be made publicly available.

***GE2P2 Global Observations/Text Suggestions***

We note and agree with the bolded language in paragraph 81 above, especially the bolded text: *“…States should ensure the collection of reliable and regularly updated and disaggregated data and research on environmental harms, including risks and actual impacts of climate-related harm on children’s rights…”*

Insofar as “research on environmental harms” properly involves children and young persons as human subjects, it must be conducted, as we argue above, with strict adherence to the highest ethical standards, including securing meaningful assent and consent. We note again the earlier [CRC GENERAL COMMENT No. 3 (2003) HIV/AIDS and the rights of the child](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjx8anp_pf9AhV1FVkFHSSeCEAQFnoECAgQAw&url=https%3A%2F%2Fwww.hivlawandpolicy.org%2Fresources%2Fcommittee-rights-child-general-comment-no-3-hivaids-and-rights-child-un-doc-crcgc20031&usg=AOvVaw2L06EpV5Y_7hovLOop9NBD)/G. Involvement of children in research, and its language: *“…In line with the child’s evolving capacities, consent of the child should be sought and consent may be sought from parents or guardians if necessary, but in all cases consent must be based on full disclosure of the risks and benefits of research to the child…”*

**We urge consideration of additional text in paragraph 30 here which could take the form:**

“…Such data and research should inform the formulation and evaluation of environmental legislation, policies, programmes and plans at all levels, and should be made publicly available.

Such research involving children must assure, in alignment with General Comment No. 3 [2003], that robust consent and assent from children and young persons is secured according to their maturity and capacity, and, in all cases, must be based on full disclosure of the risks and benefits of research to the child…”

**:::::::::::::**

**V. General obligations of States**

**A. The obligation to respect, protect and fulfil**

77. States are also obliged to respect, protect and fulfil children’s rights that are exercised in relation to the environment. **The obligation to respect requires States to refrain from actions limiting the right of children to express their views on climate protection, or imposing restrictions on their access to environmental information.** States are also obliged to protect children from misinformation concerning environmental risks and from the risk of violence or other reprisals. The obligation to fulfil requires States to combat negative societal attitudes to children’s right to be heard in relation to the environment, and to promote the meaningful and empowered participation of all children within the family, schools, communities and broader environmental decision-making.

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.

***GE2P2 Global Observations/Text Suggestions***

We note and agree with the language and spirit of paragraphs 77 and 78 above. We take special note in paragraph 78 that *“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…”*

We argue here that among such “deliberate, concrete and targeted steps” by States in legislative and policy areas would include review and amendment of laws, regulations and policies which unduly limit consent and assent rights for young persons and children and align such laws and regulations such that they are “consistent with relevant international guidelines.“

**We urge consideration of additional text in paragraph 78 here which could take the form:**

“…States shall not take retrogressive measures that are less protective of children without convincing justification. States should review and amend laws, regulations and policies which may unduly limit or confound the exercise of children’s rights, including those which limit exercise of consent and assent rights within the evolving capacity of the child or young person.”

**:::::::::::::**

**C. Access to information**

84. Access to information (arts 13 and 17) is essential for enabling children and their parents or caregivers to comprehend potential effects of environmental harm on children’s rights. It is also a crucial prerequisite for realizing the rights of children to express their views, to be heard, and to effective remedy on environmental issues.

85. Children have the right to access relevant information, including the causes, effects and actual and potential sources of climate and environmental harm, adaptive responses, relevant climate and environmental legislation, regulations, findings from climate and environment impact assessments, policies and plans, and about appropriate lifestyle choices for sustainable development, for example, what children can do in their immediate environment related to waste management and consumption behaviours.

86. Information should be disseminated in a way appropriate to the age and capacities of children, overcoming obstacles such as illiteracy, disability, language, distance and limited access to information technology. States should encourage the mass media to disseminate information and materials regarding the environment, for example, measures that children and their families can take to manage risks in the context of climate-related disasters.

***GE2P2 Global Observations/Text Suggestions***

We note and agree with the language and spirit of paragraphs 84-86 above and argue that the spirit of these paragraphs and others through the text provide important support for the text additions recommended above.

**:::::::::::::**

**:::::::::::::**

[**CRC General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)\***](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjzifaw05f9AhUdD1kFHX67CQUQFnoECA4QAQ&url=https%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcrc%2Fdocs%2Fgc%2Fcrc-c-gc-15_en.doc&usg=AOvVaw1xcVr_OsU825QdBUpSCAXp)

**E. Right of the child to be heard**

Article 12 highlights the importance of children’s participation, **providing for children to express their views and to have such views seriously taken into account, according to age and maturity**. This includes their views on all aspects of health provisions, including, for example, what services are needed, how and where they are best provided, barriers to accessing or using services, the quality of the services and the attitudes of health professionals, **how to strengthen children’s capacities to take increasing levels of responsibility for their own health and development**, and how to involve them more effectively in the provision of services, as peer educators. States are encouraged to conduct regular participatory consultations, which are adapted to the age and maturity of the child, and research with children, and to do this separately with their parents, in order to learn about their health challenges, developmental needs and expectations as a contribution to the design of effective interventions and health programmes.

*See general comment No. 12 (2009) on the right of the child to be heard, Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 41 (A/65/41), annex IV*

***GE2P2 Global Observations/Text Suggestions***

We note and agree with the language in this earlier general comment paragraph above, and without further specific language changes or additions, argue that the spirit of this paragraph and others through the text of this General Comment provide important support for the text additions recommended above.

# # # #

1. E/C.12/GC/25, para. 18. [↑](#footnote-ref-1)