Committee on the Rights of the Child (CRC) March 1, 2023

Human Rights Council and Treaty Mechanisms Division
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RE: Call for comments on the draft general comment on children’s rights and the environment with a special focus on climate change

The pervasive impacts of climate change on the food, water and eco-systems of Indigenous Peoples in all regions has a direct impact on Indigenous children’s health, development, cultures and ways of life.

Indigenous Peoples children are disproportionately affected as a result of environmental degradation, pollution and climate change. States parties should closely consider the impact of environmental contamination and harm on the traditional lands, territories, eco-systems, food sources as well as the right to life, health, survival and development of Indigenous children. In 2015, in conjunction with its review of Mexico’s periodic report and based on information regarding the extremely detrimental impacts on Yaqui Indigenous children from use of banned and highly hazardous pesticides the Committee on the Rights of the Child recognized for the first time that the rights to “Environmental Health” is a right protected under Article 24 of the Convention. The CRD also called on Mexico to halt the import of pesticides that had been banned in the exporting countries due to their known impacts on child, maternal and reproductive health. However, the specific impacts of Climate Change on ecosystems, invasive insect species are increasingly found in areas where they did not exist previously. The import and use of hazardous pesticides, including those prohibited in the exporting countries, is increasing including in the lands and territories of Indigenous Peoples in many counties. In addition, climate change and resulting drought is causing diminishing water levels in rivers, streams, lakes and dammed reservoirs. This is causing increasing concentrations of heavy metals with direct and well documented negative impacts on child and infant development such as mercury, further contaminating traditional food sources such as fish, upon which many Indigenous Peoples rely.

States should therefore undertake measures, in conjunction and with the consent of the impacted Indigenous Peoples, to engage with Indigenous children and their families in all actions responding to climate change by integrating Indigenous Peoples cultures and knowledge in mitigation and adaptation measures. In addressing the causes, impacts and responses to Climate Change, States should also ensure respect for the rights of Indigenous Peoples, inter-alia, to their means of subsistence, cultural heritage, the productive capacity of their environments, Free, Prior and Informed Consent and health as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples.