

## Comments on Committee of the Rights of the Child Draft General comment 26

Save the Children Finland appreciates the possibility to comment the CRC’s draft of the general comment 26 and wishes to submit the following observations:

The draft is very broad in nature and captures well most of the elements concerning children in relation to environment and climate change. Some areas for strengthening would be:

## II. Key concepts

Section D. Precautionary principle: Consider also adding principles of Do No Harm and Best Interests of the Child as important principles for policy design and decision-making. Though the article 3. on Best Interest of the Child appears later in the document, due to its importance it should be lifted to the level of a Precautionary principle.

## III. Specific rights of the Convention as they relate to the environment

The chapter includes various relevant articles but omits the article 19. that protects children from all forms of violence. Climate change increases the likelihood of extreme weather events that affect children in many ways. There is evidence that for example displacement of people increases the risk of violence experienced by vulnerable groups. Protection of children from violence should be added in this chapter of the general comment as a separate right and the risk of violence should be adequately included in other relevant sections.

For strengthened protection language a similar sentiment to the following could be included under section 2. Right to survival and development, at the end of the paragraph 19.

*Recognising that children are at greater risk of violence, abuse, trafficking, and exploitation during and post disaster and in humanitarian settings as disasters exacerbate pre-existing vulnerabilities. Poor and struggling families lose the security they had and may be forced to make desperate decisions that have long term negative impacts on children, such as withdrawing a child from school or arranging an early marriage and adolescent girls report high levels of sexual harassment and abuse in the aftermath of  disasters.*

Additionally, protection should be also highlighted under section B. The right to the highest attainable standard of health (art. 24), paragraph 25.

*This can also have a knock on effect driving up protection risks for children including, violence, exploitation and abuse with issues such as sexual exploitation for food, increased child labour and early, forced and child marriage.*

D. The right to adequate standard of living (art. 27)

The last paragraph of this section, 44. talks about children in situations of cross-border migration. Children migrating or displaced across borders due to climate change and its impacts are at a severe risk of falling through the cracks in terms of the status given to them by states, and so elevating this point should be considered to be moved to up to 'Section A - A child rights based approach' to be more overarching.

1. The right of the child to be heard (art. 12)

Save the Children Finland proposes a new paragraph to one be included to ensure the States comply with the right to be heard. The paragraph should include a similar sentiment to the following:

*States should enact laws that guarantee the rights of children to participate in all matters affecting them, including public decision-making processes with implications for the climate and environment. Law and policy should be specific and provide guidance on the format, structure, operation, and evaluation of all child participatory mechanisms. Sufficient financial and other resources must be made available to ensure sustainable and effective mechanisms are introduced and maintained.*

## V. General obligations of States

G. International cooperation, paragraph 97. Instead of referring the states to cooperate in good faith, the general comment should refer to obligations agreed at the 27th United Nations Climate Change Conference of Parties.

## VI. Climate change

Section C. Mitigation has some outdated text relating to obligations by the States. We suggest this is replaced by the obligations agreed at the United Nations Climate Change Conference of Parties for further policy coherence.

Section D. Business and climate change: We suggest including a reference to the Child Rights and Business Principles in the following way in the paragraph 114.

States should incentivize business enterprises to *embed the Children’s Rights and Business Principles into their corporate sustainability strategies, operations and corporate sustainability due diligence mechanisms,* mobilize vast financial resources, generate new technologies and exert influence throughout their operations and supply chains in ways that prevent, mitigate and adapt to climate change, and strengthen the realization of children’s rights.

## Overall adjustments

While the document quite broadly identifies the children in heighted risk of discrimination, it would be beneficial to include the following in the list: *children discriminated against on the basis of their sexual orientations, gender identities and expression (SOGIE)* throughout the document.

The general comment would also greatly benefit from simplification of language and reduced used of technical jargon.