



International Organization for Migration (IOM)
The UN Migration Agency

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Comments of IOM on the CRC's draft General Comment on children's rights and the environment with a special focus on climate change

IOM wishes to thank the Committee on the Rights of the Child for this opportunity to provide comments, on their draft General Comment on children's rights and the environment with a special focus on climate change. IOM has provided some specific comments directly attached to the text and would like to highlight thereafter its main comments of general nature, for the consideration of the Committee:

1. Firstly, IOM would like to commend the Committee for this draft that seeks to cover all related issues exhaustively and that is duly taking into account the particular needs, plight and vulnerabilities of specific groups of children, including migrant children (this term is here understood by IOM, according to its definition of migrant¹, to encompass children who are asylum seekers, refugees, as well as IDPs and other internal migrants, as migrant is an umbrella term).
2. IOM wishes to further stress the importance of taking into account the particular situations of vulnerability faced by migrant children in the context of environmental degradation and climate

¹ The IOM Glossary defines "migrant" as an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students. https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

change, including multiple and overlapping barriers and intersecting disadvantages. These migrant children are exposed to a variety of social and environmental risks before their move (induced notably by the environmental degradation or climate change) as well as during and after their move. They therefore need specific protection as their rights are at heightened risk of being violated and hence States have a particular duty of care. Those who make decisions about addressing the needs of children who move in the context of environmental degradation and climate change must consider how those decisions and subsequent actions will affect children. States should ensure a safe and regular form of migration for children moving in the context of environmental degradation and climate change, and they must ensure that these children are protected during their journey, as well as in transit and in the destination country. IOM therefore suggests adding, where appropriate, relevant considerations on the best interest of children on the move in the context of climate change in line with the IOM-UNICEF Guiding principles.²

3. While the General Comment rightly stresses the issues related to eviction of children, we believe that the difference with planned relocation should be mentioned. Planned relocation has been recognized as a possible disaster risk reduction and climate change adaptation strategy in several key global policy processes. Planned relocation is to be the last resort and when it happens States must ensure that children`s rights and needs are considered and respected, according to their best interest. In addition, migration as a mitigation of problems triggered by climate change or environmental degradation, and as part of resilient solutions for children also, could be further explained.³

4. IOM additionally suggests adding more information on further human rights violations children affected by climate change or environmental degradation could face. For example, children may

² <https://environmentalmigration.iom.int/sites/g/files/tmzbd1411/files/documents/unicef-iom-global-insight-guiding-principles-for-children-on-the-move-in-the-context-of-climate-change-2022.pdf>

³ IOM Vietnam, Planned Relocation for Communities in the Context of Environmental Change and Climate Change, 2017, available at: <https://publications.iom.int/books/planned-relocation-communities-context-environmental-change-and-climate-change>; IOM, Environmental Migration, Disaster Displacement and Planned Relocation in West Africa, 2021, available at: <https://publications.iom.int/books/environmental-migration-disaster-displacement-and-planned-relocation-west-africa>; <https://rosanjose.iom.int/en/blogs/planned-relocation-four-points-consider-changing-environment>; E. Bower, S. Weerasinghe, Leaving Place, Restoring Home – Enhancing the Evidence Base on Planned Relocation Cases in the Context of Hazards, Disasters and Climate Change, 2021, available at: https://environmentalmigration.iom.int/sites/g/files/tmzbd1411/files/documents/pdd-leaving_place_restoring_home-2021-screen_compressed.pdf

be made immobile as a result of climate change, environmental degradation and disasters, thereby losing their freedom of movement in their country and their right to leave any country including their own. Moreover, their right to family life may be infringed. Some children are indeed left behind by parents who must leave their place of habitual residence due to environmental degradation or climate change (for example lack of resources induced by overfishing by foreign companies pushing some local adults or children to leave alone).

5. IOM further recommends considering in all relevant places of the General Comment, the secondary effects of climate change and environmental degradation such as increased risk of child trafficking, other exploitation of children and/or child labour, due notably to loss of livelihood.

6. Furthermore, IOM suggests including climate change impacts on indigenous children's mobility and their right to stay in their places of origin and not be displaced because of environmental impacts, as their territories are fundamental to their cultures and traditions. If there is no other option than moving because of climate change/environment impacts or disasters, States must consider applying a strategy to ensure indigenous children integration in host communities, reduce discrimination and give them access to learning the host community's language, while ensuring they can keep their traditions and language alive.⁴

7. Generally, IOM would like to stress the importance to reiterate that all migrant children (those displaced by climate and environmental degradation and those migrating for other reasons or a combination of reasons), regardless of their status, must evidently enjoy all the rights and conditions mentioned in the General Comment, without discrimination. For example, all these children must have equal access to environmentally friendly school facilities or to adequate recreational areas and inclusive places to play, as mentioned in the General Comment. This also concerns children in camps, migrant reception centres etc., not to mention those that are in migration detention although such detention must be ended according to applicable international law. Similarly, the access to reparation should also be effective for children who had to move to another State.

⁴ CRC, General Comment No. 11 (2009): Indigenous children and their rights under the Convention, pp. 16, 23, 25, available at: https://www2.ohchr.org/english/bodies/crc/docs/gc.11_indigenous_new.pdf

8. Lastly, IOM would like to suggest mentioning, where appropriate, the MICIC approaches (see [Approach | Migrants in Countries in Crisis \(MICIC\) \(iom.int\)](https://micicinitiative.iom.int/approach)⁵, to migrant children in countries in crisis (special considerations for migrant children in climate-related disasters).⁶

To conclude, IOM respectfully refers the Committee to its additional and specific comments submitted directly in the text of the draft General Comment. IOM thanks again the Committee for this opportunity to submit comments to the draft General Comment and remains available for further support or for any clarification that may be needed.

⁵ <https://micicinitiative.iom.int/approach>

⁶ MICIC Guideline 13: Relocate and evacuate migrants when needed emphasizes that the humanitarian evacuation of migrants to other parts of the country or to another country can be a life-saving measure for those caught up in a crisis. It is an action that States, the International Organization for Migration (IOM) and other international organizations may undertake as a measure of last resort when all other options to ensure migrants' safety are not feasible or not in the best interest of affected individuals. When evacuating migrant children, special measures are encouraged to protect their specific needs – whether they are in the company of their families or are unaccompanied or separated., MICIC, Special Measures for the Evacuation of Migrant Children: A Reference Checklist, 2017, p.5, available at:

https://www.iom.int/sites/g/files/tmzbd1486/files/documents/01_en_special_measures_for_the_evacuation_of_migrant_children_web.pdf; For the Guidelines please see: MICIC, Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster, 2011, available at: https://micicinitiative.iom.int/sites/g/files/tmzbd1426/files/micic_guidelines_english_web_13_09_2016-2.pdf