Office of the Special Representative for Children and Armed Conflict - Comments

Draft General comment No. 26 (202x)

**Our suggested additions are added in bold, red and underlined. In general, we would suggest making the comment more conflict and gender sensitive.**

**I Introduction**

1. The extent and magnitude of the environmental harm is an urgent and systemic threat to children’s rights globally. Unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, **ADD and restrictions of access to agricultural land and pollution of soil and water sources through armed conflict**, have had a profound impact on the natural environment, fuelling climate change, intensifying toxic pollution of water, air and soil, causing ocean acidification, and devastating biodiversity and the very ecosystems that support and sustain all life.
2. **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, **DELETE and,** children working in hazardous conditions **ADD and conflict affected children.**

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

**A.** **The right to life, survival and development (art.​ ​6)**

**1.** **Right to life**

16. The right to life is threatened by avoidable environmental impacts including climate change, pollution and biodiversity degradation. These impacts are closely linked to other fundamental challenges impeding the realization of this right, including poverty, inequality and conflict. States should take positive action to ensure that children are free from acts and omissions intended or expected to cause their premature or unnatural death. This includes tackling structural and long-term challenges and taking all appropriate measures to address environmental conditions that may lead to direct threats to the right to life.6 States should adopt environmental standards that are protective of children’s right to life, for example related to air quality, lead exposure and greenhouse gas emissions **ADD but also promote clean-up of polluted areas, including those contaminated by explosive remnants of wars, such as landmines, improvised explosive devices and other unexploded ordnance, as well as related to biological, chemical and nuclear weapons residues,** and adopt special measures of protection of children, especially young children, and those in disadvantaged situations.

**Furthermore,** **we would suggest including in paragraph 16 a reference to the increased vulnerability children in conflict produced by climate change. Possible Language: Emerging e**[**vidence shows**](https://www.unicef.org/media/109711/file/Children%20uprooted%20in%20a%20changing%20climate.pdf) **that climate-induced shocks increase children’s risk of facing grave violations due to displacement, famine, and increased violence.**

**2. Right to survival and development**

18. States should implement laws and policies that ensure children’s survival and physical, mental, spiritual, moral, psychological and social **ADD health and** development. The development of children is intertwined with the environment in which they live. Developmental benefits of a clean, healthy and sustainable environment for children include opportunities to play outdoors and to experience, interact with and play in natural environments and the animal world.

**19. ADD We would suggest also talking in this paragraph about the fact that conflict contributes to environmental degradation and thus impacts children but also of environmental damage/hazard causing conflict and thus impacting children. There could for example also be a reference to armed conflict and remnants of war contributing to climate change and environmental damage/hazards which disproportionally affect children.**

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

**ADD para 25. Ongoing contamination of agricultural soils and water sources by weapons, including** **landmines, improvised explosive devices and other explosive remnants of war, as well as biological, chemical and nuclear weapons, exposes children to acute and chronic health risks long after wars have ended. Methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment are prohibited. (ENMOD 1976)**

26. Under-five mortality and disease can be prevented through the reduction of air pollution, water pollution, exposure to toxic substances, and other types of environmental harm. The effects of climate change, including water scarcity, food insecurity, **ADD further compounded by armed conflict in many situations,** vector- and water-borne diseases, intensification of air pollution and physical and psychological trauma linked to both sudden and slow onset events, are disproportionately borne by children.

**C. The right to education (arts. 28 and 29 (1) (e))**

39. States should ensure physical access to schools during severe weather events **ADD\_ and ensure the protection of schools during armed confl**ic**t,** especially for children in remote or rural communities, or consider alternative teaching methods, such as mobile educational facilities and distance learning, and prioritize underserved communities for climate-proofing and renovation of schools.  **ADD In the course of responding to emergencies caused by severe weather events in areas already affected by armed conflict, including delivery of essential life-saving aid, States should ensure that schools do not become targets for armed groups’ activity, thus exposing students, teachers and school infrastructure to further risk.**

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

42. Children should have access to adequate housing that conforms with international human rights standards, including sustainable resilient infrastructure that is not built on polluted sites nor in proximity to pollution sources or radiation, homes with safe and sustainable sources of energy for cooking, heating, lighting, appropriate ventilation, free from mould and toxic substances in a smoke-free environment. There should be effective management of waste and litter, protection from traffic, excessive noise and overcrowding, and access to safe and sustainable drinking water and hygiene facilities. Such provisions equally apply to children displaced by climate- or environmental harm **ADD or armed conflict, which is often interacting with such harm.**

46**.** In situations of cross-border displacement and migration linked to climate- and environment-related events **ADD as well as related armed conflict situations**, the Committee underlines the importance of international cooperation and the States’ obligation to undertake all appropriate legislative, administrative and other measures to ensure the rights under the Convention to all children within their jurisdiction without discrimination.

IV. The right to a clean, healthy and sustainable environment

75. Towards the realization of this right for children, the Committee considers that the following actions should be taken immediately:

**ADD g) Promote the clearance and decontamination of areas from explosive remnants of wars, such** **as landmines, improvised explosive devices and other unexploded ordnance, as well as related to biological, chemical and nuclear weapons residues.**

**V. General obligations of States**

1. **The obligation to respect, protect and fulfill**

75. States should ensure a clean, healthy and sustainable environment in order to respect, protect and fulfil children’s rights. The obligation to respect requires States to refrain from violating children’s rights by causing environmental harm, for example by subsidizing products or activities that produce toxic pollution, damage biodiversity or contribute to climate change, **ADD States should work to prevent and reduce armed conflict that contributes to environmental harm and increases risks and vulnerabilities to children of violations and abuses of their rights.**

83. States should effectively protect children taking into consideration their specific needs and particular susceptibility in the environmental context. Environmental standards, policies or measures that may affect children’s rights should be subjected to a child rights impact assessment. **ADD and adopt a conflict lens when anticipating risk and taking into account pre-existing vulnerabilities of children to violations and abuses of their rights, which may include recruitment and use of children by parties to conflict, rape and other forms of sexual violence in conflict, attacks on schools and hospitals, and the denial of humanitarian access.**

**G. International Cooperation**

97. States should cooperate in good faith in the establishment of global responses addressing climate-related loss and damage suffered by the most vulnerable countries, paying particular attention to safeguarding the rights of children in light of their specific vulnerabilities to climate-related risks, and addressing the devastating impact of both sudden and slow-onset forms of climate disruption on children and their communities. **ADD States should invest in conflict prevention and efforts to sustain peace that will positively contribute to mitigating any environmental harms to children that could result from armed conflict and to this end, should consider the views of children in peace-making and peacebuilding.**

**VI.** **Climate change**

**A.** **State obligations, implementation and accountability**

**ADD We suggest including under this point something on disaster risk reduction and call for States to develop inclusive DRR measures taking into account children's needs and rights**

1. **Adaptation**

105. Adaptation measures, including disaster risk reducation, preparedness, response and recovery, should take into account the views of children. Children should be able to understand the effects of climate actions on their rights and have opportunities to meaninfully participate in decision-makig processes. Neither the design nor the implementation of adaptation measures should discriminate against groups of children at heightened risk, such as young children, girls, children with disabilities, children on the move, indigenous children and children in situations of poverty **ADD or armed conflict.** 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 **ADD including root causes of conflict.**