UNICEF welcomes the drafting of General Comment (GC), No.26: to advance “Children’s rights and the environment with a special focus on climate change.” We commend the broad consultation taken with children from around the world so that their views and experiences can be considered in the GC.

Below is UNICEF’s general and paragraph-itemized response. Red text indicates suggested text edits.

**General feedback:**

1. We are pleased to see a mention and elaboration of the **right to a clean, healthy, and sustainable environment** (R2HE) in the draft. We strongly recommend that the reference remains in the final version. Only, we suggest that the reference to R2HE is made upfront in the text given its significance for child rights generally, but also for the GC. We concur that this right is implicit in the CRC and current para.71 therefore should also be lifted higher up and will provide for a smooth, appropriate connection with the rest of the text.
2. We suggest adding upfront, in the introduction:
* A compelling statement of how environment degradation and climate change affect **all children** **in major ways and across the full scope of their rights**. This would be followed by a paragraph on how some groups of children are **more affected due to discrimination** against them including girls, children with disabilities, children on the move, and especially children who are victims of intersectional discrimination.
* A paragraph explaining that children are **disproportionately affected,** with an explanation of why. It is mentioned under health but probably valid more generally. See pg.11 of [UNICEF’s 2021 Children’s Climate Risk Index report](https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf).
* A paragraph on **interdependence/interconnectedness of rights** to clarify upfront that environmental degradation and climate change may/will impact on *all* rights. See Chapter 7 of [UNICEF’s 2021 Children’s Climate Risk Index report](https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf).
1. The structure could be streamlined, especially for lay readers, e.g., by focusing each paragraph on a single idea, with the structure: status quo, challenges/problem statement, and call for action.
2. The current split between environmental degradation and climate change makes the text repetitive at times; and a common ‘chapeau’ with what they have in common might be considered.
3. Suggest to doublecheck the coherent use of: ‘should’, ‘shall’, ‘must’, ‘are obliged, have obligations.’

1. Suggest evidencing with data throughout.
2. Prioritize children's environmental health on the national agenda and develop institutional capacities to protect children's health from environmental risks, including climate change. (See example [US Presidential Task Force on Children's Environmental Health](https://ptfcehs.niehs.nih.gov/).
3. Enhance and enforce environmental safeguards to end childhood lead poisoning and exposure to other toxic substances [this is not captured in air, water, soil - as a significant amount of exposure is the results of toxic substances in consumer products; example, the use of lead in toys, cosmetics, spices, traditional medicine].
4. Strengthen the role of the health sector in identifying and addressing environmental factors contributing to the burden of diseases in children, particularly exposure to toxic substances.
5. Recommended to include the role that HICs play in global production of pollutants other than greenhouse gas emissions (GHG), e.g., the production in LMICS of goods exported to HICS, which leads to pollution to the environments of children living in LMICs.
6. Clearer language is needed on legal empowerment and access to justice for children in the context of climate change. The report does well in mentioning the role of children in furthering the cause of climate justice, but it does not provide enough emphasis on the role that States play in fostering access to justice for vulnerable children. See [Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific](https://www.unicef.org/eap/media/10781/file/Legal%20Empowerment%20to%20Advance%20Climate%20and%20Environmental%20Justice%20for%20Children.pdf).

**Itemized comments**

**Introduction:**

2.Last sentence is difficult to read and could be simplified.

3. Consider adding a quote to illustrate rights violations.

4. Consider starting with legal obligations of states under international law and then continue with children’s demands.

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

7. “The child rights-based approach plus their active participation and access to a remedy pays (..)”.

**II Key concepts:**

**B.I. Intergenerational equity and future generations:**

1. When defining future generations, consider emphasizing the lifecycle approach, as some children will be in the lives of the 'future generations.'

13. New generations are the least involved in decision-making and those whose participation is the most challenging, despite having to face the negative consequences of climate change for a longer duration.

1. This is not only perceived but **children are indeed more vulnerable than adults**, we suggest this is expanded on, as per General Feedback item 2.

13. Suggest “Securing the realization of each child right to maximum development in the optimal environment necessarily requires (..).”

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

**A.1: Right to life:**

16. Suggested formulation: "States should also adopt special measures to protect children's lives in the face of climate and environmental hazards, particularly children living in disadvantaged situations, including young children."

16. “Taking structural and long-term challenges” is vague.

16. Consider including a reference to developed countries' responsibility to support developing countries' efforts to adapt and protect their population by providing financial support and transfer of technology (UNFCCC Art.4.3, Paris Agreement Art.10.5).

17. The “protection of children from the harm caused by reasonably foreseeable threats” is good. However, does the committee intent to explain what reasonably foreseeable means with relation to the precautionary principle?

**A.2: Right to Survival and Development**

18. “States should implement laws, policies and services.”

18. While these opportunities are important, they are not developmental benefits for children, but rather characteristics of a clean, healthy, and sustainable environment. We suggest developmental benefits related to improved health and nutrition, decreased risk of disruptions to the developmental processes are highlighted first in this section. Section 21 describes these aspects and should be moved here.

18. Environmental education should not be dependent on a clean, healthy, and sustainable environment, arguably, it's even more vital in an unsafe environment. This is treated in Section C and could be removed here.

19. The reference to detrimental mental health effects linked to climate change is good but requires elaboration.

19. Change “Environmental actions” to “environmental degradation/harm.”

21. Need to add that younger children’s right to play is an essential component of their healthy development.

22. This is analysed amply in the section on the right of children to be heard. Consider removing and instead complement the analysis of climate change impacts on this right.

22. Seems misplaced.

**B: The right to the highest attainable standard of health**

23. Suggest removing “relating to a healthy environment” at end of paragraph.

23. “Indispensable to.”

24. Suggestion to add a link to the [effects of air pollution on child brain development](https://www.unicef.org/sites/default/files/press-releases/glo-media-Danger_in_the_Air.pdf).

24. Suggested change “ambient and household air pollution.”

26. Should read “disease and impaired brain development.”

27. Further explanation of ‘environmental harm’ is required

27. Eco-anxiety needs defining and further emphasis.

27. The link between children and their care givers is good, however a reference could be made on how caregiver's capacities are compromised after experiencing disasters.

27. UNICEF is pleased to see that mental health problems caused by environmental harm is included and suggests this is retained.

28. Need to be explicit about which national plans, policies, and strategies e.g., NDCs, NAPS?

29. Should specifically ask for greater investment in primary healthcare services and systems, which is an integral frontline service that can mitigate long-term consequences of environmentally caused illnesses and diseases.

29. Consider reformulating “to ensure healthy working conditions” (we don't want children to work).

30. “Availability of data is crucial for adequate protection against climate and environmental health risks. (…) Priority concerns, climate change health impacts and emerging environmental health issues should be identified.”

30. “critical windows and sensitive health endpoints” is unclear.

**Section C: The right to education**

31. Consider connecting this comment to the [Action for Climate Empowerment (ACE) agenda of the UNFCCC (Art. 6) and the Paris Agreement (Art. 11)](https://unesdoc.unesco.org/ark%3A/48223/pf0000246435).

31. DRR and resilience-building knowledge materials and curricula should be designed according to global standards and integrated into education systems.

33. Consider adding “all children should be equipped with the skills necessary to face expected environmental challenges in life such as disaster risk and climate and environment related health impacts.”

33. Children should be equipped with climate education and greens skills, critical for their adaptation to and preparation for the effects of climate change.

34. “Both a local and global orientation” is unclear.

34. Particularly for indigenous children the recognition and transfer of traditional environmental knowledge and care practices is essential, but it would ideally be taught to all children, as part of a more holistic and sustainable relation to the natural environment.

36. It is recommended to highlight other hazards aside from pollution e.g., flooding/landslides.

36. Should “the availability of walking and biking routes” be under obligations?

36. How can environmentally friendly school facilities benefit children?

37. Suggest using examples such as water scarcity/sandstorms/heatwaves which especially affect access to schooling.

37. Governments should ensure alternative housing for displaced population to ensure schools are not used as shelters, disrupting education, and degrading the educational infrastructure unprepared for such use. "children’s access to education can be interrupted ... by the use of schools as emergency shelters." A/HCR/35/13.

37. UNICEF recommends focussing on the technological divide instead of the geographical location of children e.g., there are urban children that due to poverty or other circumstances also would not benefit from distance/virtual learning.

**D: The right to adequate standard of living:**

40. The intention of the first sentence is unclear. Consider revising.

1. UNICEF is pleased to see the issue of cross-border displacement and migration linked to climate and environment-related events included and suggests it is retained.
2. Recommended to be more explicit on how climate change limit children's enjoyment of Art. 31. E.g., climate change makes spaces where children play less safe.
3. The spaces for play and recreation should be located in areas that don't expose children to climate related threats.

**F: The rights of indigenous children**

Title should be “rights”.

49: Consider elaborating on how/why indigenous children are disproportionally affected, and to demand that states ensure that any mitigation or adaptation efforts don't have unintended negative consequences on indigenous children. See F2, 23. of [A/HRC/35/13](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/13).

49: Respect traditional and historic livelihoods and identify new livelihood opportunities that ensure equality and inclusion for all, especially for Indigenous Peoples.

49. While children and youth in Indigenous and ethnic minority communities face unique risks, they can act as educators and advocates in applying traditional knowledge to reduce the impact of local hazards and strengthen resilience– if this knowledge is passed on and supported.

49. “(…) indigenous cultures and traditional knowledge in mitigation and adaptation measures.”

50. “children of peasants” or “children living in poverty”?

**G: The right to non-discrimination**

50. Consider reformulating: “Certain groups of children face heightened barriers to the enjoyment of their rights due to multiple and intersecting forms of discrimination. These barriers tend to be exacerbated by environmental degradation*.*”

**H: The best interests of the child**

52. “a more detailed procedure to access and determine.”

54. “The adoption of all measures of implementation” is unclear.

54. Child rights impact assessment needs defining.

**I: The right of the children to be heard**

56. Highlight that not all children have access to or can easily use the digital environment, e.g., due to geography, poverty, or intellectual and psychosocial disabilities.

56. With the support of responsive caregivers, young children can express themselves through art, music etc., which can enhance our understandings of their needs.

57 & 58. Consider including a reference to [ACE](https://unesdoc.unesco.org/ark%3A/48223/pf0000246435) here.

58. Suggest separating the right to freedom of association from the right to participation.

**Section J: Freedom of expression, association, and peaceful assembly**

59. “Children’s rights to freedom of expression, association and peaceful assembly” suggestion to breakdown the 3 rights and add on the obligations of states to facilitate the exercise of these rights.

60:States should ensure effective protection from violence and threats for children engaging in climate and environmental activism.

60. “child human rights defenders.”

**K: Access to justice and remedies**

62. Suggestion to mention ICCPR2.

62. The issue of legal standing is broader than the restrictive requirement listed here, e.g., in most jurisdictions children under a certain age do not have a standing.

70. Is this a call for ratification for states who have not ratified the OPIC?

**IV: The R2HE**

71. Should reference the GA and HRC resolutions.

73. Should include:

* Improve access to primary health care services and systems (important for addressing existing burdens of illnesses and diseases*).*
* Prevent environmental contamination with hazardous chemicals and waste and implement policies to manage them safely and ethically.
* Soil and water pollution need to be prevented and cleaned.
* Should read “disease and impaired brain development.”
* Undernutrition is *part* of malnutrition, see WHO, <https://www.who.int/news-room/fact-sheets/detail/malnutrition>.
* HICs must work to be more sustainable and not export plastic and e-waste to LMICs.

**V.A: General obligations of Sates**

75. Include a reference to child protection actions that prevent and respond to physical, sexual, and psychological violence and harmful practices that affect children and youth (especially girls), recognising they can accelerate during and after a hazardous event. See [Words into Action: Engaging Children and Youth in Disaster Risk Reduction and Resilience Building](https://reliefweb.int/report/world/words-action-engaging-children-and-youth-disaster-risk-reduction-and-resilience#:~:text=Taking%20a%20multisector%20approach%20to%20DRR%20aims%20to,and%20placemaking%3B%20and%20shelter%2C%20housing%20and%20human%20settlements.) pg.102.

75. Infrastructure for safe water is good but a narrow example. Consider including transitioning to clean energy and phasing out fossil fuels.

77. UNICEF is pleased to see that the issue of misinformation concerning environmental risks is included and suggests this is retained.

78. Remove “without convincing justification.”

80. This section is too discretional. Suggested change: “States should set and enforce environmental standards that protect children from the negative environmental  and long-term effects, since Children are far more likely to suffer serious harm, including irreversible and lifelong consequences and even death, from environmental impacts.”

80. “Children are far more likely to suffer serious harm” – than what? Adults?

81. Wording is repetitive and confusing, also consider data for early warning systems and disaster risk reduction.

81. Suggest rephrasing “platforms” and “environment-related specifics.”

**B. Heightened obligations:**

83. The specific needs of children need to be considered via child sensitive environment and climate change policies, plans and strategies.

**Section C: Access to information**

Suggest this section is put with freedom of expression earlier.

86. Few children are engaged in media literacy education and programmes. This makes it challenging to decipher what information is true and reliable, and what is “green washing” in the media.

**D: Child rights impact assessments**

87. “(…) administrative decisions related to the environment and climate change requires vigorous child-rights impact assessments (CRIA)”.

* Could provide an example or add more details on what should go into CRIAs e.g., impact assessments should include questions assessing all dimensions of the impact on children: health, socioeconomic, educational, and long-term implications.
* Assessments should be followed with risk mitigation strategies that hold the implementer accountable to some degree.

88. “interactive impacts” need expanding.

**F. Children’s rights and the business sector**

90. Ensure that business operations do not adversely affect children’s rights, including through damage to the environment or reducing access to natural resources. E.g., ensure the rights of children, their families, and communities are addressed in contingency plans and remediation for environmental and health damage from business operations, including accidents or when acquiring or using land for business operation.

90. Corporate commitments should include measures to progressively reduce GHGs from company operations and promote resource use that is sustainable. Recognize that these actions and other initiatives to better the environment will impact future generations. Identify opportunities to prevent and mitigate disaster risk and support communities in finding ways to adapt to the consequences of climate change.

91. To date, recognition of the responsibility of business towards children has often focused on preventing or eliminating child labour. While this is important, the [Children’s Rights and Business Principles](https://resourcecentre.savethechildren.net/pdf/5717.pdf/) also highlight how impact of overall business operations impact children, as well as through their relationships with national and local governments, and investments in local communities.[[1]](#footnote-1)

92. “(…) to ensure that businesses respect the rights of the child, through effective child sensitive legislation (…)”.

**G. International cooperation**

Consider adding state cooperation on issues related to pollution (e.g., e-waste, air and water pollution which move across borders) and overexploitation of common natural goods (overfishing and deforestation). See [A/HRC/43/30](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/43/30).

**VI. Climate Change:**

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

101. Children here are positioned as part of a ‘vulnerable group, rather than rights-holders and important stakeholders.

102. “(…) monitoring and evaluation of child sensitive, ambitious, urgent, right-based, holistic, multisectoral, and inclusive measures to address climate change, (…)”.

102. On obligations: analysis of NDCs finds that 41% can be classified as child-sensitive.[[2]](#footnote-2)

**VI.B. Adaptation**

106. Need to include some mention of funding adaptation programs adequately, and that higher-income nations have an obligation to support LMICs/LDCs.

106. Need to reflect on how the losses and damages fund can be utilized to support adaptation efforts.

**VI.C: Mitigation**

108. Mitigation in the context of climate change specifically refers to the reduction of GHG emissions. UNICEF would suggest this reformulation:

The Committee calls for collective accelerated and urgent actions to use the narrow window of the opportunities to mitigate GHGs. Historical and current major emitters have the obligation to lead on mitigation efforts.

109. Consider this alternative formulation:

Insufficient progress on limiting global warming to 1.5 C above pre-industrial levels exposes children to significant threats to their rights due to global temperature increases. Greater risk represents the passing through so-called ‘tipping points’, i.e., thresholds beyond which large changes in the climate system cannot be reversed.

111. States should ensure that no mitigation efforts put children's rights or their capacity to adapt at risk, with particular attention to the rights of children from indigenous and minority/marginalized groups.

**VI. E: Climate Finance**

* Climate finance should relate to adaptation and mitigation efforts more explicitly.
* States should be obligated to implement climate finance that doesn’t only focus on green architecture but also financing social services to build community resilience, e.g., health and education.
1. [↑](#footnote-ref-1)
2. [UNICEF (2022) Child-sensitive climate policies for every child](https://www.unicef.org/media/130081/file/Child-Sensitive%20Climate%20Policies%20For%20Every%20Child.pdf). [↑](#footnote-ref-2)