ANNEXE to Genf-OV/RECHT/0054/2023

**Austrian Contribution to the**

**Draft General Comment no. 26 on**

**Children’s rights and the environment with a special focus on climate change**

Austria thanks for the opportunity to comment on the draft General Comment no. 26 on Children’s rights and the environment with a special focus on climate change. The issue of the impact of environmental degradation and climate change on the enjoyment of human rights and not least on children's human rights is highly topical.

We recognise the severity of the threat facing the global community as a result of climate change and the imperative for urgent action to address that threat. Environmental protection represents a longstanding high priority for us. The Federal Government sees climate action as a significant opportunity for equity. Therefore, Austria has taken urgent and comprehensive actions to combat environmental degradation and climate change that are under constant evaluation. Insofar we agree with the Committee's basic concern that environmental and climate protection must be strengthened. Nevertheless, we would like to note the following with regard to the Draft General Comment No. 26.

We share the Committee’s approach that there are wide-ranging interconnections between children’s rights and environmental protection. Our comments below are not exhaustive, but rather indicate Austria’s preliminary observations. Austria would welcome the opportunity to provide further comments once a revised draft becomes available.

Some of the guiding principles set out by the Committee would require a more in-depth legal consideration and clarification in terms of language and content. In this context, it should be taken into account, inter alia, that the scope of the positive obligations imputable to the States in the particular circumstances also depends on the origin of the threat and the extent to which it is susceptible to mitigation.

Examples include the statements on States‘ extraterritorial obligations; the “cause and effect” notion of jurisdiction and the right to a safe climate.

Against this background, Austria reiterates its appreciation of the opportunity to review the Draft General Comment No. 26.