**Save the Children’s submission on the right to development in the context of climate change**

Save the Children welcomes the opportunity to submit its contributions to inform the reports on the themes of climate justice, and the right to development. Our contributions focuses on children and future generations, We see these reports as crucial for driving forward the call to recognise and implement children’s rights including the right to a clean, healthy and sustainable environment and for [establishing child-responsiveness in the Loss and Damage Fund](https://resourcecentre.savethechildren.net/pdf/Climate-Justice_-Loss-and-Damage-Finance-for-Children-1.pdf/) and of wider loss and damage funding arrangements.

1. **Climate justice: Loss and Damage**

**1. How is the realisation of the right to development impacted by both economic and non-economic loss and damage from climate change? How is the impact experienced differently and/or disproportionately by different individuals (e.g., children and women), groups (e.g., Indigenous Peoples) and States (e.g., Small Island Developing States)?**

According to estimates from The Vulnerable Twenty (V20) coalition, which consists of the world’s most climate vulnerable countries, over the past 20 years an estimated $525 billion has been lost due to the negative impacts of climate change. By 2030, the estimated annual economic cost of loss and damage for developing countries will reach between $447 billion and $894 billion[[1]](#footnote-2). These estimates are made under the assumption that adaptation is undertaken optimally, and therefore these are likely to be underestimates given current financial constraints to reaching the required levels of adaptation. Such costs are having dire consequences for children and their families through exacerbating poverty and thus impacting their rights. Globally, 774 million children face the dual threat of poverty and climate emergency[[2]](#footnote-3).

The linkage between climate and child poverty is complex and goes in both directions where climate shocks increase child poverty, and poverty exacerbates children’s vulnerability to climate shocks – even more so when intersecting inequalities such as displacement, gender, disability on Indigeneity are considered. The recurrence of extreme weather events and slow-onset climate change degrades the assets and livelihoods of children and their families, where those living in poverty have fewer coping mechanisms to deal with climate shocks. Robust policy tools such as adaptive social protection and cash transfer programming provide overwhelming evidence on the positive impacts of social protection programmes for addressing child poverty. However, despite this only one in four children (aged 0–14 years) globally receives a child or family benefit.

Cyclone Ana and flooding in Malawi left some 52,000 people displaced in 67 camps. Many of which included children and their families. Luciano\*, 12, who was living at one of these displacement camps after his family lost their home recalled “We moved to the camp because water flooded on the other side of the river and it surprised us at night, when we were sleeping. […] We tried to save the ducks and the chickens, but all we managed to save was a few of our clothes. We tried to save more items, but we couldn’t. My little brother was on top of the house. Whilst he was on top, the house collapsed, and suddenly he was gone.”[[3]](#footnote-4)

**2. What are the obligations of States and other actors such as development finance institutions and businesses to prevent, mitigate and remediate the impacts of climate change-related loss and damage on human rights, including the right to development?**

It’s a case of climate justice in preventing, mitigating and remediating the impacts of climate change-related loss and damage on human rights. Those who have done the least to cause the climate crisis, including children, are bearing the brunt of it. Climate justice within the context of loss and damage requires the explicit recognition of children as right holders with unique needs and vulnerabilities. Yet, Save the Children and coalition partners found that less than 2.4% of climate finance from key multilateral climate funds, supported projects incorporating child-responsive activities - some funders have recently acknowledged this gap, for example the Green Climate Fund is actively working with partners to bridge child-focused climate finance particularly in the areas of health and education - but much more needs to be done [[4]](#footnote-5). Such findings shed light on the significant gap of children in international climate finance. Given this, and children’s unique vulnerabilities, the Loss and Damage Fund and loss and damage financing must place children and their rights at its core.

The climate crisis and related loss and damage is also exacerbating the debt burden of developing countries.  A recent analysis found that some of the most climate-vulnerable countries spend more on financing their debts, compared to what they receive for tackling climate change, with debt repayments in 2021 outweighing the amount of climate finance in 26 countries[[5]](#footnote-6). In Vanuatu, the country’s debt doubled following the aftermath of Cyclone Pam in 2015. Meanwhile, Pakistan risks defaulting on its own debt after the catastrophic floods that took place in 2022, where more than 500 children were killed[[6]](#footnote-7) and up to 3.5million children displaced, causing an estimated $30 billion of loss and damage[[7]](#footnote-8). Loss and damage funding therefore, should provide grants rather than loans, given the negative repercussions that obligations to repay unaffordable debt have on investment in public services such as schools, health care, and other essential facilities for children’s wellbeing and development.

**3. What is the legal and/or moral basis for States and other actors including businesses to contribute to the Fund for climate change-related loss and damage?**

Approximately 1 billion children live in one of 33 countries classified as being at extremely high risk to the impacts of climate change[[8]](#footnote-9). Last year, by November 2023, more than 700,000 people were displaced across the Horn of Africa[[9]](#footnote-10) due to flash floods.  In these countries children face disproportionate exposure to multiple shocks in climate, environmental, political and economic events, combined with high vulnerability due to inadequate availability, quality, equity and sustainability of key and essential services for children. Loss and damage caused by the climate crisis – such as the loss of land, life, livelihoods or cultural heritage – is one of the greatest intergenerational injustices that children face today. Climate-induced loss and damage threatens the rights of children today and in the future, as enshrined in the United Nations Convention on the Rights of the Child and General Comment No. 26 from the United Nations Committee on the Rights of the Child[[10]](#footnote-11).

The adoption of *General comment 26 on* *children’s rights and the environment with a special focus on climate change* (GC26) recognises children’s right to a clean, healthy and sustainable environment, and establishing the impact of environmental degradation and climate change on child rights. It is an essential authoritative guide that recognises inaction on the climate crisis as a child rights’ crisis. It provides a benchmark to hold States that have ratified the Convention accountable through the CRC reporting mechanisms as well as other mechanisms like the Universal Periodic Review (UPR). GC26 explicitly refers to loss and damage and acknowledges it as a third pillar of climate action alongside mitigation and adaptation. In paragraph 106 it reads ‘*States are encouraged to take note that, from a human rights perspective, loss and damage are closely related to the right to remedy and the principle of reparations, including restitution, compensation and rehabilitation’*. It goes on to highlight that States should undertake measures for the provision of financial and technical assistance for addressing loss and damage that have an impact of the enjoyment of rights under the Convention.

In addition, the ‘polluter pays’ principle is fundamental to achieving climate justice by way of climate finance and contributions as set out in the 1992 Rio Declaration[[11]](#footnote-12) and the 1992 United Nations Framework Convention on Climate Change[[12]](#footnote-13) (UNFCCC). Developed countries and emerging economies accounted for 83% of emissions in 2022[[13]](#footnote-14). Save the Children spoke to Jerma, from the Solomon Islands who in 2014 lost her brother to sea level rise. Her account, ‘… By looking at Solomon Islands as a whole, its contribution to global warming was very little. Activities like logging, slashing and burning trees for gardening, cutting mangrove trees for firewood and household cooking every day adds very little compared to other industrialised countries. Yet, we are the ones directly facing the effects of global warming.’[[14]](#footnote-15)

**4. In addition to making a financial contribution to the Fund, what non-financial components may be relevant from a climate justice perspective (e.g., transfer of green technologies, building of capacity and relocation pathways for climate-induced migrants)?**

In regards to non-financial components, MCFs and other multilateral climate finance providers should (see full [report here](https://resourcecentre.savethechildren.net/pdf/Climate-Finance-Report-final.pdf/)):

1. Strengthen capacity-building and knowledge-sharing initiatives at the national, regional and international level to enhance the understanding of child-responsive climate action and finance amongst governments, and personnel belonging to climate finance institutions and entities, including accredited entities and implementing partners as well as other relevant stakeholders.
2. Develop capacity-building tools for accredited entities, implementing partners and other stakeholders together with children, youth and technical experts in child rights. Through training on child rights and project designs that are child-responsive at all stages.
3. Develop partnerships with organisation that have a child rights mandate or possess technical expertise who can act as accredited entities, implementing partners and strategic allies/ intermediaries.
4. Encourage in-country coordination between accredited entities, implementing partners and other relevant actors, including partnerships with Ministries of Education, Health and other mandates that are relevant to children and gender equality, to secure their engagement during the design and implementation phase of project proposals.
5. Document good practice examples of projects and programmes that are child responsive, and learnings for building evidence and for fostering a global community of practice.

Other non-financial components include commitments by States towards climate justice, such as signing The Declaration on Children, Youth and Climate Action, for accelerating inclusive, child and youth-centred climate policies, and action at national and global level. By signing the declaration governments commit to:

* Advocating for global recognition and fulfilment of children’s inalienable right to a healthy environment.
* Enhancing efforts to respect, promote and consider the rights of children and young people.
* Scaling up and accelerating investment in child and youth responsive adaptation, disaster risk reduction and mitigation measure.
* Strengthening the capacity of children and young people on climate change mitigation and adaptation efforts.
* Enhancing the meaningful participation of children and youth in climate change.
* Exploring measures to establish an international Commission for Children and Future Generations.
* Adopting institutional and administrative measures, as well as partnerships, at national and international levels to actively pursue the above objectives.

As of March 2024, 44 countries have signed the declaration[[15]](#footnote-16).

**5. How should a human rights-based approach to operationalise and administer the Fund look like (e.g., integration of considerations such as accessibility, non-discrimination, fair representation in decision making, gender responsiveness, and accommodation for marginalised communities and countries especially vulnerable to the adverse effects of climate change)?**

The Loss and Damage Fund must place children and their rights at their centre, given children’s vulnerability to both economic and non-economic loss and damage impacts. We recommend the following actions to ensure this ([see here for more detail](https://resourcecentre.savethechildren.net/pdf/Climate-Justice_-Loss-and-Damage-Finance-for-Children-1.pdf/)):

**1.** Incorporating child rights as a guiding principle.Loss and Damage finance needs to be child-responsive where children’s rights as set out in the United Nations Convention on the Rights of the Child, inform all financing decisions with the recognition of differing age and gendered impacts, as well as children’s own views and recommendations.

**2.** Meaningfully engaging children in the process, including the design, monitoring and implementation of the Loss and Damage Fund and loss and damage financing. To do this, children, locally-led organisations and others affected should be recognised as active participants in decision-making processes on loss and damage. Governments and other relevant stakeholders should facilitate their safe and meaningful participation in these processes and take their views and recommendations into account.

**3.** Taking account of children’s particular needs and unique vulnerabilities. Needs assessments for loss and damage must take into consideration existing vulnerabilities such as child poverty and inequality, and capacities specific to different groups of children which include, but aren’t limited to, girls and children discriminated against on the basis of SOGIESC; Indigenous children; children with disabilities; displace, migrant and refugee children; and children affected by conflict. The response to loss and damage needs to be informed by existing inequalities and disaggregated data, by age, gender, migration status and disability status, at the minimum. Financial support should also be provided in order to strengthen the collection and disaggregation of data in countries that are facing high climate risk.

**4.** Ensuring access to funding for children and their families. Children who are on the frontlines of the climate crisis, including child- and girl-led organisations must have timely access to financial support through the Loss and Damage Fund and other loss and damage financing. There should also be technical support available to access child-responsive climate finance through existing regional mechanisms and implementing agencies.

**5.** Ensuring accountability and access to justice for children. Access to effective grievance mechanisms and remedies must be granted to children and children’s organisations if the activities of the Loss and Damage Fund or loss and damage funding arrangements violate children’s rights. Furthermore, to ensure justice for children and families, loss and damage finance mechanisms must have effective environmental and social safeguards.

1. **How to ensure that the Fund and/or climate finance (including for mitigation and adaptation) does not result in a debt trap for developing countries?**

The Loss and Damage Fund and loss and damage financing needs to be sustainable, equitable and debt-free. It should do this through the provision of grants as opposed to loans where repayment obligations have negative consequences on essential services for children. By providing grants instead of loans, this will enable these countries to allocate resources for recovery and reconstruction without being weighed down by debt burdens. More generally, comprehensive debt relief and restructuring for heavily indebted climate-vulnerable countries is necessary for reducing their debt burden to sustainable levels. This will free up resources to be directed towards child-responsive climate action.

All creditors, should implement clauses and contracts that automatically apply a suspension on debt

payments during climate and other shocks and disasters.

Increased transparency and accountability in climate finance and debt management processes is also essential for supporting developing countries to avoid debt traps; and for improving the efficiency of climate finance particularly when addressing equity issues.  This can be done through the disclosure of loan terms and conditions, public reporting and disclosure of climate finance and debt data.

**B. The right to development of children and future generations**

**1. What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?**

The fulfilment of child rights as articulated in the Convention on the Rights of the Child, in particular the right to education, to protection from violence, exploitation and abuse and the right to participation, are the foundations for the child’s broader social and economic development. Furthermore, as noted by the UN Special Rapporteur, the right to development requires equity within and between generations and is concerned with the well-being of younger and future generations[[16]](#footnote-17).

Children’s development is under threat, particularly in the context of the climate crisis. The adoption of General Comment 26 on Children’s rights and the environment is a response to such a crisis. Articles 13, 17 on access to Information, Articles 28, 29 on the right to education and Articles 26, 27 on the right to social security and decent standard of living, are essential preconditions for the realisation of children’s development, when they are children and when they enter adulthood. In reference to future generations, Article 3 stipulates that decisions on the environment and climate change must take into consideration the impact on, and the wellbeing of children growing up today and in the future. GC26, in reference to Intergenerational equity and future generations, states that “Beyond their immediate obligations under the Convention with regard to the environment, States bear the responsibility for foreseeable environment-related threats arising as a result of their acts or omissions now, the full implications of which may not manifest for years or even decades.”

**2. How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work.**

The concept of sustainable development is born from the moral imperative that the present generation must develop in a way that does not impinge on the development of children and future generations, as clearly stated in its definition: Sustainable development is "development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs". This definition was coined in the Brundtland Report in 1987 and adopted by the UN General Assembly during the same year. This principle which became the cornerstone of the current Agenda 2030 and its Sustainable Development Goals, intrinsically enunciates the obligation of states to respect children’s future development as well as that of future generations. Hence, any breach of SDGs obligations, obligations to address the climate crisis as per provided for under the UNFCCC and other environmental and climate related obligations by States is a violation of children’s rights.

**3. How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models?**

As enshrined in the UNCRC, children’s right to be heard is critical to halting the climate and inequality crisis. In 2022, Save the Children’s consultations with more than 54,500 children from 41 different countries, found that children expressed a desire to be listed to by adults and help bring solutions to the table. They don’t want to be heard in a passive sense; they want their agency to be supported by adults through meaningful platforms and tools that are backed by quality data, information and education.

Broader government systems which respect children’s rights are critical and must support transparency and accountability, with legal safeguards against discrimination and access to justice and rule of law, that support children to use the legal system to uphold their rights. Deliberative processes which bring together citizens, including children for making policy recommendations and decisions can help build social cohesion, trust and political engagement, as well as enhance transparency.

During recent years, children have been vocal about ensuring that States take into consideration environment/climate aspects when designing economic development policies. Through manifestations and even litigation actions they are asking for regulation of actors that have a high influence in economic development but negative impact on environment, such as oil companies. The Convention on the rights of the child, complemented by relevant General Comments, such as GC12 on the right of the child to be heard, GC16 on State obligations regarding the impact of the business sector on children’s rights and the recently adopted GC26, makes it clear that children must participate in decision making on issues that have impact on their rights. Children are currently active and articulate in proposing solutions to ensure that we move towards a sustainable development model that would allow for the current generation to leave a planet to children where they can have the same of more development opportunities that adults today. Child rights impact assessment schemes are increasingly being used in decision making process to which children must be part of.

1. **How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered? Kindly share any good practices.**

Many children experience an intersection of discrimination, exclusion, and vulnerabilities in their everyday life. Here are some good practices to consider for meaningful participation.

* **Promote representation**. Consciously ensure that the project has representation from children with diverse backgrounds and identities, including children most affected by climate change.
* **Encourage peer discussion**. Support participating children with the resources needed to have a discussion with peers in their groups and communities before joining the project, so they can represent the diversity of experiences and perspectives in their communities.
* **Tailor support and break the barriers of participation** so all children have equal opportunity of joining the project. Provide child-friendly materials and training, as needed, for children to prepare and be able to contribute. Make sure children have different methods of inputting to suit the different needs. Provide translation and interpretation where needed as language is one of the main barriers to participation. Work with the children’s chaperons to arrange for any other accessibility needed.
* **Meaningful participation.** Make sure that your project is relevant to the work children are doing and will support them in their efforts. Be clear with children from the start about why you are asking for their participation and how you are taking their input forward. Always report back on the impact and keep children in the loop on next steps and how they can support further.
* **Create a safe space.** Think about the risk children may face by joining your project and arrange for any mitigation needed. Be mindful of power dynamics between the children themselves and between them and the facilitators. Make sure children has the time and space to contribute and facilitators are not influencing children’s input. Having the chaperons as someone children know in the gathering can provide a safer space to contribute.
* **For more details, please refer to the** [**nine basic requirements for meaningful and ethical children’s participation**](https://resourcecentre.savethechildren.net/document/nine-basic-requirements-meaningful-and-ethical-childrens-participation/).

**5. What measures should be taken to protect and empower child human rights defenders?**

* Ensuring that laws restricting civil society activities of child and adult climate activists must be necessary, reasonable, and proportionate to a legitimate purpose, and never limit those rights which are absolute or non-derogable.
* Guarantee children’s rights to take action both online and offline. This includes freedoms of expression, association, peaceful assembly, and access to information
* Implement awareness campaigns to educate the public, including parents, about children’s civil and political rights. Parenting education can contribute to this understanding
* Provide age-appropriate public information in languages and formats that children can comprehend
* Recognize the role of children in defending their human rights. Encourage conversations about how adults can support and protect child human rights defenders.

**6. How to create child-friendly judicial and non-judicial remedial mechanisms to address violations of children’s rights in the context of development policies, projects or programmes?**

* Ensuring that children have access to justice, including effective remedies and reparation of violations due to environmental harm and climate related child rights violations, through child-friendly and gender-responsive complaints mechanisms at all levels, including by ratifying the Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure
* Ensuring that information related to development policies that may harm the environment are readily available in an accessible language and format to children.
* Ensuring that decision making processes related to development that have direct impact on child rights allow for children meaningful and safe participation
* Ensuring that children have access to relevant, timely and meaningful information on the formal and informal channels to present their claims when their rights have been violated by development policies
* Ensuring that children have access to meaningful and effective remedies when their rights (including right to freedom of expression and assembly) have been violated

The Committee of the Convention on the Rights of the Child is currently working on the development of General Comment 27 on children's access to justice. This document will be crucial to provide guidance to States on the concrete actions towards making the formal and informal justice systems accessible to children in a way that they are most autonomous from adults. The adoption of the GC is expected in 2025.

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6. Save the Children (2022) [NEARLY 500 CHILDREN DEAD IN 'HORROR SHOW' OF PAKISTAN FLOODS](https://www.savethechildren.net/news/nearly-500-children-dead-horror-show-pakistan-floods) [↑](#footnote-ref-7)
7. UNICEF, Save the Children, et al., (2023), [*Loss and Damage Finance for Children*](https://resourcecentre.savethechildren.net/pdf/Climate-Justice_-Loss-and-Damage-Finance-for-Children-1.pdf/) [↑](#footnote-ref-8)
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9. Save the Children, (2023), [Horn of Africa: Over 100 killed and 700,000 displaced by El Nino rains](https://www.savethechildren.org.uk/news/media-centre/press-releases/east-africa-over-100-killed-700000-displaced-by-el-nino-rains-) [↑](#footnote-ref-10)
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11. United Nations (1992) [A/CONF.151/26/Vol.I: Rio Declaration on Environment and Development](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf) [↑](#footnote-ref-12)
12. United Nations (1992) [The United Nations Framework Convention on Climate Change](https://unfccc.int/resource/docs/convkp/conveng.pdf) [↑](#footnote-ref-13)
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15. UNICEF, [Declaration on Children, Youth and Climate Action | UNICEF](https://www.unicef.org/environment-and-climate-change/climate-declaration#declaration) [↑](#footnote-ref-16)
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