



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninety-fourth session

### Summary record (partial)\* of the 2747th meeting\*\*

Held at the Palais des Nations, Geneva, on Monday, 18 September 2023, at 11.30 a.m.

Chair: Ms. Skelton

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with a special focus on climate change*

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\* No summary record was prepared for the rest of the meeting.

\*\* No summary record was issued for the 2746th meeting.

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*The meeting was called to order at 11.30 a.m.*

### **General comments**

*Launch of general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*

1. **Maya-Natuk** (Children's Advisory Team), speaking as a moderator of the session, alongside the Chair, said that she was delighted to mark the official launch of the Committee's general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change.
2. **The Chair** said that, in delivering the authoritative guidance of its general comment No. 26 (2023) to States, the Committee was acting on the impetus of children's own voices. Almost 17,000 children had participated in the consultations on the general comment that had taken place since the day of general discussion in 2016. They had delivered a clear message that it was time to act. They had stood up as human rights defenders and shouldered the responsibility to preserve the environment for future generations.
3. The general comment clearly set out how children's rights were affected by environmental degradation and climate change, and how children must be allowed to exercise their rights by participating in debates on that topic. Children's right to a clean, healthy and sustainable environment was embedded in the Convention on the Rights of the Child, which had been ratified by 196 States. She urged States parties to come together in a true spirit of international cooperation to find shared solutions to the threat that the triple planetary crisis posed to children's rights.
4. **Mr. Türk** (United Nations High Commissioner for Human Rights), speaking in a pre-recorded video message, said that the child-friendly version of the general comment produced by the Child Advisers would be a key tool for enabling children everywhere to speak up for their rights. The triple planetary crisis was a human rights crisis that affected every child. Data from the Intergovernmental Panel on Climate Change illustrated that children, especially those already in disadvantaged situations, were disproportionately affected by the climate emergency.
5. Children were at the forefront of a wave of groundbreaking litigation that had the potential to ensure greater accountability on the part of Governments and businesses and trigger fundamental shifts in approach. For example, in August 2023, a United States court had upheld a complaint by young activists referring to the right to a clean and healthful environment in the state's constitution.
6. The right to a clean, healthy and sustainable environment was implicit in the Convention and essential for the full enjoyment of many other children's rights, such as the rights to life, health and education. States were therefore urged to take immediate action to address the adverse effects of environmental degradation and climate change on children's rights, including measures regarding air quality, access to safe water and fossil fuel dependency.
7. Implementation of the recommendations in the general comment would result in Governments routinely conducting child impact assessments for any legislation, policy, budget or decision related to the environment, and would encourage States to engage more robustly with businesses to reduce emissions and ensure that their operations were subject to effective human rights due diligence. States should also seek to discontinue State subsidies that undermined low-emission pathways.
8. Lastly, the general comment made it clear that children were entitled to participate freely and meaningfully in environmental decision-making processes, and that they must have accessible avenues to hold States and other actors accountable, including through the courts.
9. **Aniva** (Children's Advisory Team), speaking in a pre-recorded video message, said that children's participation and input had given the Committee a first-hand understanding of how environmental harm and the climate crisis were impacting children across the globe. The general comment, written by children for children, represented a crucial step forward in

holding Governments accountable for compromising children's rights through climate ignorance and inaction. The next question was how Governments would implement and fulfil their commitments to the Convention to ensure children's rights were protected.

10. The Pacific islands had been severely and disproportionately affected by climate change. Rising sea levels, increasing temperatures, loss of biodiversity, coral bleaching, erosion and land loss were serious climate impacts in the region. Some low-lying atolls were already being lost to the sea, the disappearance of which would deprive the population of their ancient indigenous connection to the land, their spiritual identity, their cultural practices, their history and their sense of belonging. The general comment would enable young Pasifika people to hold climate polluters accountable for their contribution to the climate crisis.

11. **Ms. Kitsos** (Vice-Chair of the Administrative Council, City of Geneva) said that the City of Geneva, designated a Child-Friendly City by the United Nations Children's Fund (UNICEF), had published a 2022–2026 action plan to promote children's rights that prioritized the protection, inclusion and participation of children. The climate crisis was also a social justice crisis, since inequalities existed between countries and between individuals, the poorest of whom generally polluted the least yet experienced the worst environmental effects and had the fewest resources with which to combat them. The climate crisis was at the centre of all public policies.

12. The planting of a tree in a local school that afternoon, attended by representatives of the Committee, non-governmental organizations and local authorities, would be a symbolic act intended to remind everyone of their environmental responsibility and the pressing need to act immediately in order to allow future generations to grow up in a liveable world.

13. **Ms. Escudero** (Special Adviser on Advocacy for Child Rights and Climate Action, United Nations Children's Fund (UNICEF)), speaking in a pre-recorded video message, said that the extent and magnitude of the planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, was an urgent and systemic threat to children's rights globally. According to the UNICEF Children's Climate Risk Index, every child on every continent had already been exposed to more frequent, intense and destructive climate hazards, and 1 billion children were at extremely high risk from the impacts of climate change. The climate and environmental crisis was a child rights crisis and represented the greatest threat facing the world's children and young people.

14. The general comment was a historic milestone in promoting a holistic understanding of children's rights as they applied to environmental protection, and in clarifying how those rights were impacted by climate change and environmental degradation. It would be instrumental in guiding States in the necessary and urgent implementation of their child rights obligations and commitments under both the Convention on the Rights of the Child and the Paris Agreement on climate change, and in holding States accountable.

15. **Maya-Natuk** said that the Committee and the Children's Advisory Team hoped to have an intergenerational conversation on the implications of the general comment for children and for the adults who were responsible for implementing it. She wished to know more about the Committee's vision for the general comment and how the Committee would work with the States to ensure its implementation.

16. **Ms. Todorova** said that, following the day of general discussion on the topic of children's rights and the environment in 2016, the Committee had recognized that there was a need for more robust guidance and recommendations. In 2021, children's efforts to draw attention to the environmental crisis had motivated the Committee to resume those conversations. After a long period of online consultations and thematic, regional and local workshops, the Committee had finalized general comment No. 26.

17. The general comment linked to existing environmental norms and obligations, such as the Paris Agreement, and national and regional legal developments and jurisprudence. The Committee emphasized that States must refrain from violating children's rights by causing environmental harm and should regulate businesses' operations in relation to their environmental impact. States were also obligated to prevent and remedy the impact of environmental hazards that affected children's rights. The general comment made

child-specific recommendations for mitigation, adaptation, loss and damage, international cooperation and climate finance.

18. The Committee had already started applying the general comment in its dialogues with States parties and treated the impact of climate change on children's rights as a separate category in its concluding observations. States parties would in future receive specific recommendations on that issue. Lastly, the Committee believed that the general comment would be used as a relevant legal document to support children's complaints at regional, national and international levels, including individual complaints to the Committee under the Optional Protocol on a communications procedure.

19. **Maya-Natuk**, addressing George from the Children's Advisory Team, said that she would like to know what his and other children's vision for the implementation of the general comment was, and why he thought it was important for children to be included.

20. **George** (Children's Advisory Team) said that children were very optimistic about the general comment and hoped that it would be fully implemented by as many stakeholders and States as possible. He believed that the success of the general comment would depend on how effectively it was implemented.

21. It was important for children to participate in the formulation, implementation and evaluation of the general comment because he believed that something that was done for children could not be done without them. Going forward, children called upon leaders to include them in the implementation and evaluation phases.

22. He came from the town of Kabwe in Zambia, known as one of the world's most toxic environments. Soil lead levels in Zabwe were as high as 14,000 parts per million (ppm), which was 28 times higher than the World Health Organization's recommended standard of around 500 ppm. Similarly, children's blood lead levels were as high as 45 mg/dl, namely nine times higher than the recommended standard of just 5 mg/dl. Lead lowered children's IQ, affected their sexual reproductive health and their development and could even lead to death. He therefore hoped that Governments would take the general comment seriously and work towards addressing such injustices, so that all children could live and grow up in a clean and healthy environment.

23. **Maya-Natuk** (Children's Advisory Team) said that she wished to understand how general comment No. 26 (2023) could support the work of the United Nations Environment Programme (UNEP), as the leading global authority on the environment, in promoting children's right to a clean, healthy and sustainable environment.

24. **Mr. Kreilhuber** (Regional Director and Representative, Regional Office for Europe, United Nations Environment Programme (UNEP)) said that he wished to congratulate the child advisers and Committee members on the general comment, a milestone that would help sharpen the focus of UNEP on children's environmental rights. UNEP was already implementing the Secretary-General's call to action for human rights with a special focus on children's environmental rights, by providing tailored human rights training, materials and tools for children in order to raise awareness and empower children to fight for their right to a clean, healthy and sustainable environment. UNEP saw the general recommendation as helping to promote children as agents of change, particularly in relation to environmental governance.

25. The *Emissions Gap Report 2022* clearly indicated that the door to effective climate change action was slowly closing, with the world heading towards missing internationally agreed targets and experiencing a 2.8°C temperature rise. Children would bear the brunt of that inaction. However, children were increasingly demanding their rights. UNEP supported children environmental human rights defenders and the raising of awareness about climate litigation. A 2023 report by UNEP showed that cases of climate change-related litigation around the world had increased dramatically, from 884 in 2017 to 2,180 in 2022. It was important to use the general comment to support the identification of solutions. UNEP would continue to advocate for the contents of the general comment and for children's environmental rights and would increasingly involve children in decision-making, taking a child-centred approach. Protecting children's rights at present would help safeguard future

generations. The general comment also provided great impetus for inter-agency collaboration.

26. **Maya-Natuk** said that she wished to understand the general comment's significance for children's environmental advocacy efforts in Argentina and the surrounding region, and how the Ombudsperson in that country was supporting that work.

27. **Ms. Graham** (Ombudsperson for the Rights of Children and Adolescents in Argentina) said, quoting a child participant in the first regional consultation on the general comment, held in Argentina, that the environment was life, not a discussion topic or a day's work. She was pleased to note that many of the proposals in the declaration adopted at the conclusion of the consultation featured in the text of the general comment. The planet could not wait, and neither could children. Experts had made it clear that immediate action was needed to tackle environmental degradation, climate change and emissions and to adapt to their consequences. So-called core countries had developed themselves at a high cost to the environment, were responsible for the majority of greenhouse gas emissions and were better placed to shift towards more environmentally friendly modes of production. As set out in paragraph 95 of the general comment, States had common but differentiated responsibilities. Climate change did not affect all regions equally. Latin America and the Caribbean was the most severely affected region; its countries were the worst placed economically and financially to achieve the proposals contained in the comment. Climate change hit vulnerable groups and least developed countries hardest. Developed States had an obligation to cooperate with developing countries and to support the equal advancement of all. The general comment was a starting point and a road map for States to take immediate action.

28. Ombudspersons for children's rights played a crucial role in disseminating the general comment, making proposals, monitoring and ensuring accountability. In Argentina, that work was being done through statements, recommendations, class actions and strategic litigation. More countries needed to create bodies for children's rights in line with general comment No. 2 (2002). Children's activism had placed environmental damage and global warming at the forefront of the global agenda. Children were the least responsible for those issues and yet would suffer the worst consequences. The role of Ombudspersons was to provide a space for children's participation and discussion of the general comment, as well as to urge States and businesses to take children's opinions into consideration in their decision-making.

29. She was concerned at the rise in rhetoric around the world that undermined the human rights of children and denied the existence of children's environmental rights and the reality of climate change. Throwaway culture and lack of care for the planet were global problems. Children were protesting about their rivers and forests, the fear of losing their homes, not having safe water, living next to landfill sites, and the impacts of wildfires and flooding on their lives. Children should come first, and adults, as decision makers and through States and businesses, had the responsibility to guarantee children's rights.

30. **Ms. Chitur** (Observer) said that she would like to know how children were being deprived of their rights.

31. **Mr. Chuma** (Environment Africa) said that he would like to hear what was envisaged following the launch of the general comment.

32. **Pratip** (COVID-19 Initiative) said that he wished to understand how the key messages of the general comment would be taken beyond States parties, Governments and the United Nations to reach marginalized communities and the children and young people suffering most from climate change.

33. **Ms. Seidel** (World Council of Churches) said that she wondered whether the Committee could support organizations that cared about children to ensure that their own banks and pension funds were not exacerbating the climate crisis through investments in fossil fuels.

34. **George** (Children's Advisory Team) said that the general recommendation linked a broad range of children's rights, including the rights to health, life and education, with the right to a healthy environment. Globally, there was a lack of awareness of the interdependence of those rights. As an example, his region was affected by cyclones that

caused damage to schools and hospitals, hindering children's enjoyment of the rights to health, education and a clean and healthy environment.

35. **Ms. Todorova** said that rights to participation were particularly important, as children were agents of change. Those rights under the Convention enabled children to collectively demand that Governments develop policies to protect their rights. The general comment stressed the right to education as vital for children to understand their rights, particularly in relation to environmental harm and degradation, and for adults to understand the need to include children in decision-making.

36. **Maya-Natuk** said that almost every aspect of children's rights was affected by the climate and the deplorable conditions all over the world. To make a difference, it was necessary to identify the core of the problem, which was almost entirely related to climate change. For example, changes in the weather and permafrost in Greenland damaged housing and affected marine life, with significant impacts for local communities living off fishing and hunting, which in turn impacted families, children and societies.

37. **The Chair** said that, following the launch of the general recommendation, the Committee would ensure that questions on children's rights and the environment would be included in its reviews of States parties' reports and in its lists of issues. As of the current session, a separate stand-alone section of the Committee's concluding observations would be devoted to that topic. The Committee would also be able to receive individual communications on that topic under the Optional Protocol on a communications procedure. The Committee expected that States parties would read the general comment carefully and integrate it in their processes of making policy and law, and that domestic courts would use it as a reference for interpreting the rights in the Convention. Other stakeholders would also be able to use the general comment to engage in advocacy and work to influence change on the ground.

38. **Ms. Graham** (Ombudsperson for the Rights of Children and Adolescents in Argentina) said that general comment No. 26 was an additional useful tool for addressing children's rights. For example, the problem of desertification in the north of Argentina and in the wider region led to small children dying of malnutrition and dehydration owing to lack of access to water. The high infant mortality was a violation of the right to life, and indigenous children were the worst affected. The Ombudsperson had launched *amparo* proceedings on that issue. The general comment could support strategic litigation, including in relation to extractive industries that pursued profits without regard for the harm done to children.

39. **Ms. Todorova** said that the general comment made it clear that children were seen not only as vulnerable owing to their age and the impacts of the climate crisis but also as having the agency to defend their rights, as demonstrated by global initiatives such as Fridays for Future.

40. **Mr. Kreilhuber** (Regional Director and Representative, Regional Office for Europe, United Nations Environment Programme (UNEP)) said that the climate change movement would not have advanced to the same degree if children had not come to the fore and demanded action. In relation to the question on banking, UNEP had a specific finance initiative to support responsible banking. The general comment would help increase pressure in that area. The recent news of the State of California suing fossil fuel companies was a further example of the importance of litigation.

41. **The Chair** said that there were direct messages for businesses and the banking sector in the general comment under the sections on the responsibilities of businesses and on climate finance.

42. **Mr. Boyd** (Special Rapporteur on human rights and the environment), speaking via a video message, said that he wished to congratulate the Committee on the general comment and to thank the thousands of children and young people who had contributed ideas and insights. The initiative was timely because of the severity of the climate emergency, which manifested itself in the collapse of biodiversity, pervasive pollution, water shortages, desertification and the increasing spillover of zoonotic diseases. Children and young people bore the brunt of those interconnected catastrophes. Governments and businesses were systematically violating children's right to a healthy environment by failing to legislate,

regulate and implement known solutions. But the crisis was not inevitable; humans had created it, and humans could solve it.

43. Rights-based approaches were the most equitable way forward. That required delivering environmental education for all, securing inclusive participation, prioritizing vulnerable and marginalized people, and ensuring accountability. Paragraph 65 of the general comment spelled out, in clear and compelling terms, what States must do to fulfil children's right to a healthy environment. There was a need to improve outdoor and household air quality; ensure access to safe and sufficient water and sanitation and healthy aquatic ecosystems; transform industrial agriculture and fisheries to produce healthy and sustainable food; phase out the use of fossil fuels, replacing them with renewable energy; conserve, protect and restore biodiversity; prevent marine pollution; and regulate and eliminate the production, sale, use and release of toxic substances that had disproportionate adverse health effects on children. It was time to take action, and he hoped the general comment no. 26 would spark the transformative changes required to end the systematic violation of children's right to a healthy environment.

44. **Mr. Jaffé** said that he wished to invite two members of the Children's Advisory Team to introduce the child-friendly version of the general comment.

45. **Esmeralda** (Children's Advisory Team) said that the general comment provided authoritative guidance on how children's rights were impacted by the climate crisis and what steps should be taken by Governments to protect those rights and ensure that children lived in a clean, healthy and sustainable world. Over a two-year period, the members of the Children's Advisory Team had discussed the impact of the environmental issues affecting their respective countries and continents, laying the groundwork for development of the general comment. During that time, they had held face-to-face and online consultations with children from over 120 countries, the views of whom had been taken into account by the Team and the Committee when working on the general comment.

46. The child-friendly version of the general comment would ensure that children of different ages and nationalities, in both rural and urban areas, were able to understand its content. It was a tool that would enable children to play a leading role in efforts to protect Mother Earth, defend their right to a safe and healthy environment, and secure commitments from local, national and international authorities to implement policies and allocate funds to address environmental issues.

47. **Elisabeth** (Children's Advisory Team) said that the process of developing the general comment had been lengthy, but the Team was proud of the outcome. It was crucial to ensure that such processes were child-friendly so that children could understand the matters affecting them, access information on topics relevant to them and propose solutions. She wished to thank everyone who had helped to produce the child-friendly version of the general comment and hoped that it would be easily understood by children of all backgrounds and would bring about positive changes.

*A short video on the child-friendly version of the general comment was shown.*

48. **Madhvi** (Children's Advisory Team) said that she was thrilled to introduce the Global Charter entitled "Our Planet, Our Rights, Our Voices", which contained statements and stories from children explaining what environmental and climate rights meant to them.

*The Global Charter was projected onto a screen at the front of the meeting room.*

49. In March 2022, the Children's Advisory Team had worked with the Committee and Terre des Hommes International Federation to create surveys for children aged 6 and above on children's rights and the environment. The Committee had used the thousands of responses received to prepare the first draft of the general comment. A second round of consultations had been launched in November 2022, as part of which members of the Team had created a toolkit to help young people run workshops in which children could express their views through arts and crafts activities. More than 16,000 children from across the world had participated in the consultations. A short video had been produced, in which some of the participants had described their experience and explained why their participation had been so important.

*A short video on participants' experiences was shown.*

50. During workshops that she had hosted for children from a range of backgrounds, she had been struck by how some children had felt unable to share their views or believed that their voices were unimportant. She was pleased that she had been able to give those children a platform by including their views in the Global Charter. To ensure that the children felt appreciated for their efforts, the Children's Advisory Team had produced a "thank you" video after the first round of consultations and had created a certificate, signed by Ms. Otani, for each participant in the second round.

51. **Olt** (Children's Advisory Team), in a pre-recorded video message, said that working on the general comment had been a magnificent experience. He had enjoyed working with a diverse team from across the globe and acting as the voice of his peers. Such projects would shape the future, which meant that children's participation was crucial.

52. **The Chair** invited Mr. Mezmur to make concluding remarks on behalf of the Committee.

53. **Mr. Mezmur** said that, although the general comment was focused on the climate change crisis, it was also relevant to the biodiversity and pollution crises. It was clear that there was a problem; the science showed that the world was not on track to meet its climate goals, undermining global efforts to promote sustainable development.

54. Continuing on the current path would lead to more disasters and deepening crises. There was a small window of opportunity to take steps to protect the rights of children. Inaction was not an option; the only choice remaining was between action and urgent action.

55. Collaboration was key. Multilateralism could and should deliver results to curb the climate crisis. Such efforts should involve Governments, businesses, national and international financial institutions and global and regional organizations and include children of different ages, sexes and disability statuses. Any knowledge generated on the issue of climate change should take into account the diverse profiles of the children affected.

56. He wished to extend special thanks to the Children's Advisory Team, to the almost 17,000 children who had taken part in the consultations and to the more than one billion children around the world who were pushing boundaries, big and small.

57. **Kartik** (Children's Advisory Team) said that the general comment brought together two paramount and deeply intertwined concerns: climate change and children's rights. As the destiny of the planet and children's futures stood at a critical juncture, nobody could remain an idle observer. Every decision made and each step taken had an impact on children's lives. The clock was ticking and sounding a clarion call for immediate and resolute action.

58. **Maya-Natuk** (Children's Advisory Team), thanking all those in attendance, said that the time had come to make children a priority, not a choice.

59. **The Chair** said that she wished to thank the Committee members for the great amount of work that they had put into the general comment.

*The meeting rose at 1.10 p.m.*