

States' Obligations under the Convention on the Rights of the Child, in the Context of Climate Change



The Committee on the Rights of the Child (CRC) monitors the implementation of the Convention on the Rights of the Child (CRC Convention) adopted in 1989. The Convention has been ratified by 196 States. The Committee comprises 18 independent experts and meets three times a year in Geneva.

The CRC Convention prohibits discrimination against children and obliges States to give primary consideration to the best interests of the child. The CRC Convention also protects many rights that implicitly relate to environmental and climate protection, including the rights to life (article 6), to be heard (article 12), to recreational activities and cultural life (article 31), to an adequate standard of living (article 37), to food, water and sanitation, and housing (articles 24 and 27),

and to education (article 28). Two provisions of the CRC Convention explicitly require States to take into consideration environmental matters when protecting the rights of children: article 24(2), which obliges States to pursue full implementation of the right of children to the highest attainable standard of health, “taking into consideration the dangers and risks of environmental pollution,” and article 29(1), which stresses that the right to education must include “the development of respect for the natural environment” (article 29(1)).

Through two of its General Comments, the CRC has elaborated on the scope of some of these obligations in the context of climate change. In its General Comment No. 15 on the right of the child to the enjoyment of the highest attain-

able standard of health (2013), the Committee emphasized that “environmental interventions should, inter alia, address climate change, as this is one of the biggest threats to children’s health and exacerbates health disparities. States should, therefore, put children’s health concerns at the centre of their climate change adaptation and mitigation strategies.” The CRC also addressed the importance of education on matters related to climate change, stressing in its General Comment No. 20 on the implementation of the rights of the child during adolescence (2016) the need for suitable education and support to tackle local and global challenges, including climate change and environmental degradation.

The rights of the child in the context of climate change were also

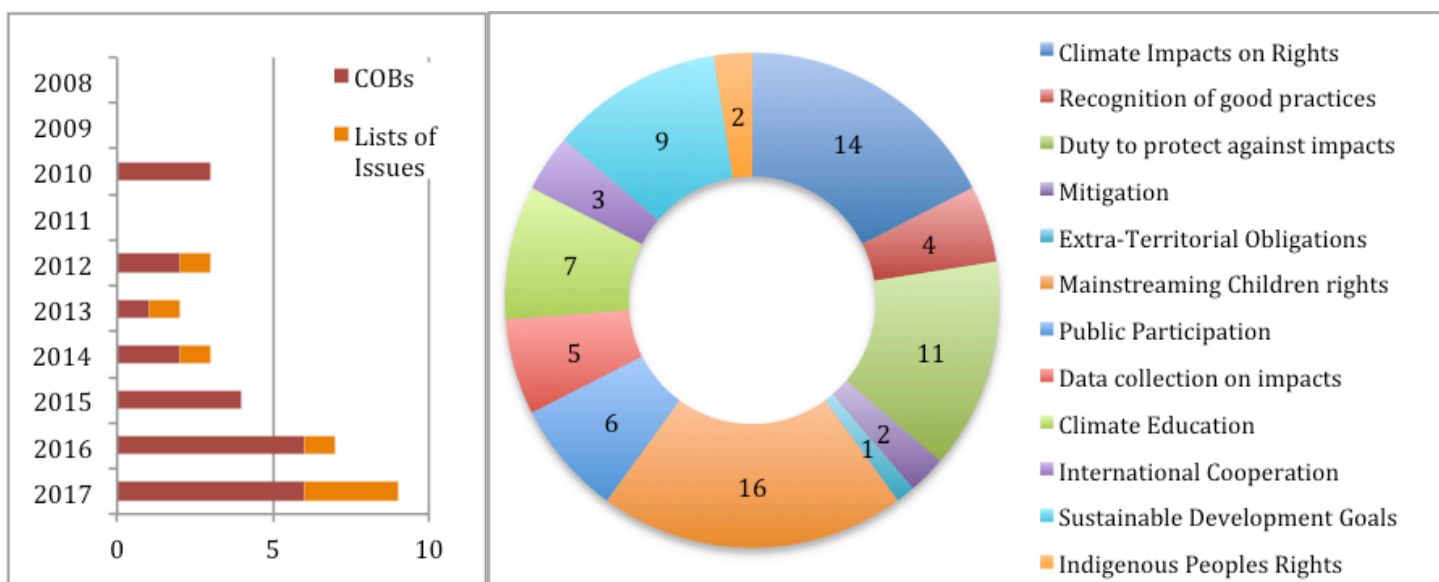
discussed during the CRC's Day of General Discussion on the issue of Children's Rights and the Environment in 2016. As a result of this event, the CRC endorsed a series of recommendations, many of which relate to climate change. The CRC highlighted that States should "consider the best interests of the child as a matter of primary consideration when designing, implementing and monitoring relevant environmental laws and policies related to climate change" and that they "should understand their obligations to respect and protect children's rights against global climate change." The Committee further stressed that "such protection requires urgent and aggressive reductions in greenhouse gases, guided by the best available science." The Committee also emphasized the linkages between article 29(1)(e) of the CRC Convention on the right to education and article 6 of the UNFCCC/article 12 of the

Paris Agreement (Action for Climate Empowerment) and recommended that States "develop innovative mechanisms to allow children to be recognised as stakeholders with a right to be heard in decision making in the UNFCCC...and to be involved in the design and delivery of projects related to climate change adaptation and mitigation, disaster risk reduction." The Committee finally committed to "consistently link Concluding Observations on environmental issues to the SDGs and States' commitments under the UNFCCC" and to "clarify the extent of States' obligations relating to climate change and children's rights, including with regard to mitigation, adaptation, and the rights of children displaced as a result of climate change, taking into account the explicit reference to children's rights and intergenerational equity in the Paris Climate Agreement."

Overview of References to Climate Change in CRC Concluding Observations

The CRC has increasingly addressed climate change during its State reporting procedure, primarily in its Concluding Observations. The CRC addressed climate-related issues in 24 of the Concluding Observations that it adopted over the past ten years.

The Concluding Observations have addressed a broad range of issues. The importance of considering how the rights of the child are protected by climate policies and the threat posed by climate change to these rights have been referenced in the majority of these Concluding Observations addressing climate change. The Committee has also highlighted



Breakdown of references to climate change in the Concluding Observations (COBs) adopted by the CRC Committee, by year and by theme (some COBs include several themes)

Please note that the data provided in this Synthesis Note only includes references that explicitly mention climate change. Other Concluding Observations adopted by the Committee, such as in relation to extractive industries or disaster risk reduction, may also be relevant.

the need for the State to prevent the adverse impacts of climate change on children and has stressed repeatedly the importance of educating children on climate issues and of ensuring the participation of children in decisions that might impact them. The CRC has also underlined the relevance of the Sustainable Development Goals in relation to climate impacts on children.

To date, the Committee has not considered the extent to which the obligations contained in the CRC Convention require States to prevent adverse impacts on children's rights by reducing emissions of greenhouse gases.

Given the focus of most of these recommendations on climate impacts, the recommendations adopted by the CRC in relation to climate change so far have been addressed primarily to countries most vulnerable to climate change impacts, which tend to be developing countries.

Compilation of Concluding Observations Adopted by the CRC on Climate Change

This section provides a compilation of Concluding Observations adopted by the CRC regarding the interpretation of States' obligations under the CRC Convention in relation to key aspects of climate policies. We provide below examples of COBs addressing common or important themes and list other examples of relevant COBs in the endnotes.

Disproportionate impacts on children's rights

"The Committee recognizes the difficulties facing the State party, including the continuing threat of climate change, which can affect the survival of the country, and the severe shortage of human and financial resources. These can have a significant and adverse impact on the development and implementation of legislation, policies and programmes for children in the State party. However, the Committee also reminds the State party that these difficulties should not be regarded as a deterrent to the full implementation of the Convention."

– CRC Concluding Observations on Tuvalu (2013)

"While noting as positive that the State party has introduced a National Climate Change Policy and Adaptation Plan, the Committee is concerned at the adverse impact of climate change and natural disasters on the rights of the child, including the rights to education, health, adequate housing, safe and drinkable water and sanitation, inter alia."

– CRC Concluding Observations on Saint Lucia (2014)¹

"The Committee is concerned about the harmful impact of climate change on children's health, especially for Maori and Pasifika children and children living in low-income settings."

– CRC Concluding Observations on New Zealand (2016)²

Integrating children's rights into climate action

"The Committee recommends that the State party develop strategies to reduce the vulnerabilities of and risks for children and families which may be occasioned or exacerbated by climate change, including by mainstreaming child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management, and by strengthening its social safety nets and social protection framework so as to mitigate the multiple social, economic and environmental impacts of climate change more effectively."

– CRC Concluding Observations on Jamaica (2015)

"The Committee recommends that the State party develop strategies, including awareness-raising, to reduce the vulnerabilities and risks for children owing to climate change, in particular children in situations of poverty, including Amerindian and Maroon communities. The Committee also recommends that the State party mainstream child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management and strengthen its social safety nets and social protection framework so as to more effectively mitigate the multiple social, economic and environmental impacts of climate change."

– CRC Concluding Observations on Suriname (2016)

“The Committee recommends that the State party, including the devolved administrations in relation to devolved matters: (b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, and in the framework of its international climate change programmes and financial support.”

– CRC Concluding Observations on the United Kingdom (2016)

Collection of disaggregated data

“The Committee is seriously concerned about the unavailability of data disaggregated by age, gender and location related to (...) impact of climate change and disasters on children.”

– CRC Concluding Observations on Korea (2017)³

Participation of children in climate-related decision making

“The affected populations, mainly women and children, were not informed or given opportunities to participate in discussions on the impacts of climate change and policy-making related to them.”

– CRC Concluding Observations on Tuvalu (2013)⁴

Guaranteeing climate education and empowerment

“The Committee draws attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change related planning and management. In particular, it recommends that the State party:

(a) Implement the National Reviewed Curriculum in the next school year and include climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems.”

– CRC Concluding Observations on Vanuatu (2017)⁵

Relationship between human rights, climate change, and Agenda 2030

“The Committee draws the attention of the State party to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.”

– CRC Concluding Observations on Samoa (2016)⁶



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Reduction of greenhouse gas emissions

“The Committee draws attention to Sustainable Development Goal 13, target 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management. In particular, it recommends that the State party: b) discontinue deforestation to reduce the impact of the climate change consequences.”

– CRC Concluding Observations on Haiti (2016)

“The Committee is concerned at the high level of air pollution, which directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.”

– CRC Concluding Observations on the United Kingdom (2016)

Duty to cooperate internationally

“The Committee recommends that the State party: (c) Seek bilateral, multilateral, regional and international cooperation in the areas of di-

saster risk reduction, mitigation and adaptation to the effects of climate change.”

– CRC Concluding Observations on Saint Vincent and Grenada (2017)

“The State party is encouraged to seek the necessary technical and financial assistance from relevant international, regional and bilateral partners to enable the progressive and full implementation of the Convention.”

– CRC Concluding Observations on Tuvalu (2013)⁷

Endnotes

1. See also the CRC COBs on Seychelles (2012), Fiji (2014), Turkmenistan (2015), Jamaica (2015), Vanuatu (2017), Kenya (2016)
2. See also the CRC COBs on Tuvalu (2013), Saint Lucia (2014), Fiji (2014), Mauritius (2015), Kenya (2016), Samoa (2016), Korea (2017), Tajikistan (2017), Saint Vincent and Grenada (2017)
3. See also the CRC COBs on Mauritius (2015)
4. See also the CRC COBs on Fiji (2014), Mauritius (2015), Kenya (2016), Saint Vincent and Grenada (2017)
5. See also the CRC COBs on Tuvalu (2013), Chile (2015), Mauritius (2015), Samoa (2016), Haiti (2016), Saint Vincent and Grenada (2017), Korea (2017), Malawi (2017)
6. See also the CRC COBs on New Zealand (2016), Haiti (2016), United Kingdom (2016), Korea (2017), Tajikistan (2017), Vanuatu (2017), Malawi (2017), Saint Vincent and Grenada (2017), Serbia (2017)
7. See also the CRC COBs on Fiji (2014)



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