

# INCORPORATING CHILD RIGHTS INTO CLIMATE ACTION



Position Paper for Parties to the UNFCCC  
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THE CHILDREN'S  
ENVIRONMENTAL  
RIGHTS INITIATIVE  
(CERI)

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Plan International, Project Dryad, Save the Children, Terre des Hommes and  
YOUNGO; Environment Africa, Make Mothers Matter and World Vision  
International



# Incorporating Children's Rights into Climate Action

Understanding why designing climate action that protects children will ensure a safe future for all.

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## ABOUT THE CHILDREN'S ENVIRONMENTAL RIGHTS INITIATIVE

The Children's Environmental Rights Initiative (CERI) is a coalition of children and young people, activists, child rights organisations, experts, governmental actors and policy makers from around the world, working together to ensure that children's fundamental right to a safe, clean, healthy and sustainable environment is recognized and fulfilled.

CERI enables coalition members to collaborate in elevating the voices of children and young people most impacted by environmental harm and climate change while also building the capacity of national decision makers to implement child-focused environmental policy and inform new standards and practices in multilateral processes. The work of the coalition is facilitated by a dedicated secretariat.

## 1. INTRODUCTION

*The climate crisis is a child's rights crisis.*

Children represent almost one-third of the world's population. They have the right to live in a clean, healthy and sustainable environment. They should be able to attend school, have access to nutritious food and clean water, enjoy good health and development, grow and play in a safe world.

Yet the climate crisis poses an immense and unprecedented threat to the realisation of children's rights and climate disruption will roll back hard-won development gains that improve their lives. Not only are children already experiencing the impacts of the climate crisis in today's society, but they will also suffer the longest due to the uncertainty that climate change casts over their future.

In recent years children have demonstrated their capacity as changemakers by drawing the eyes of the world to the climate crisis through their protests, social media activity and community and civic engagement. However, children are frequently forgotten when it comes to developing legislation, policies and programmes to counteract climate change. This is perhaps likely due to a lack of understanding of why it is important to consider the voices and specific needs of children in the face of climate change, as well as the potential benefits of doing so for enhanced climate action.

Due to their unique physical and developmental circumstances, children are acutely vulnerable to the impacts of climate change. Drought, flooding, extreme weather events, rising temperatures, and chaotic seasonality directly undermine a broad spectrum of children's rights, including their right to survive and thrive. This is particularly true when children are members of marginalised communities or communities in vulnerable situations where intersecting inequalities exacerbate the harm of climate impacts and vice versa.

Similarly, due to deficiencies in the representation of children's needs and priorities in decision making, children are at risk of being left behind or having their rights undermined by the action designed to counteract climate breakdown. As the crisis becomes more acute and the window to act narrows further, generations of children now and into the future may be denied their right to participate in decisions which will radically shape their lives and those of their children.

This does not need to be the future of children around the world. However, to change course, States must put children's rights at the heart of climate action, both to motivate the necessary urgency to ensure that mitigation and adaptation actions are commensurate with the protection of children's rights today and into the future, and to ensure that climate action does not harm the rights of children but rather ensures their needs and priorities are heard and acted upon.

This year marks the 30<sup>th</sup> anniversary of the signing of the United Nations Framework Convention on Climate Change (UNFCCC). In the intervening years, there has never been a decision taken by the Parties that focused on providing guidance for the implementation of child rights-based climate action.



This policy brief argues that, in order for child-rights based climate action to become reality, the Parties to the UNFCCC must take advantage of a unique moment in time to bring coherence between the climate agenda, the work of the UN Committee on the Rights of the Child and the UN Secretary General's renewed focus on children, youth and intergenerational equity to embed a greater focus on children's rights within the UNFCCC process.

The following section discusses the rationale for action and explores the linkages between children's rights, climate change and climate action. The third section discusses the growing momentum behind child rights-based climate action which the Parties to the UNFCCC could build upon. The final section discusses concrete steps that could be taken under the UNFCCC over the coming 18 months to more robustly address children's rights within the process while also building greater coherence between the climate regime and other UN processes.

## 2. WHY ACT?

*By incorporating children's rights into climate action, decision makers can accelerate climate action while reaching "the furthest behind first".*

Everyone, everywhere has the same rights - these belong to all of us simply because we are human. Children and young people have the same general human rights as adults, as well as specific rights that recognize their special needs and the heightened protection that they require. The Convention on the Rights of the Child sets out the rights that must be realized for children to develop to their full potential.

In the face of climate change, the need to respect and protect human rights, including children's rights, is particularly acute - owing to the existential threat posed by the crisis and the depth of the societal transformation required to avert it. The Paris Agreement on climate change and the 2030 Agenda for Sustainable Development both adopted a more integrated approach to human rights and environmental issues than had been witnessed in multilateral agreements up to that point. However, as of yet, there is still insufficient evidence of child rights-based approaches being adopted in climate action. It is likely that this is due, at least in part, to a lack of understanding on the part of decision makers as to the specific and heightened impacts that climate change has on children - particularly those below the age of 5 - and the role that children's rights can and should play in shaping climate change response measures. This section briefly explores the importance of integrating child rights into climate action.

The intersection between children's rights and climate change has three, interrelated dimensions:

- i) Climate change has implications for the full range of children's rights, particularly for young children and those living in situations of poverty, marginalisation and vulnerability.
- ii) A failure to integrate children's rights (and human rights more broadly) into climate action can lead to those rights being undermined.
- iii) The integration of children's rights into climate change policies can improve effectiveness and result in benefits for people and the planet.

### a) Climate change impacts on children's rights.

Today, climate change fundamentally threatens the realisation of the rights of children. Writing on the relationship between climate change and children's rights, the Office of the High Commissioner for Human Rights states:<sup>1</sup>

*Children are disproportionately impacted by climate change due to their unique metabolism, physiology and developmental needs. The negative impacts of climate change, including the increasing frequency and intensity of natural disasters, changing precipitation patterns, food and water shortages, and the increased transmission of communicable diseases, threaten the enjoyment by children of their rights to health, life, food, water and sanitation, education, housing, culture, and development, among others. Climate change heightens existing social and economic inequalities, intensifies poverty and reverses progress towards improvement in children's well-being. All children are exceptionally vulnerable to the negative impacts of climate change, with the youngest children being most at risk.*

*Climate change also has a disproportionate impact on children with disabilities, children on the move, poor children, children separated from their families, and indigenous children. And girls may face heightened risks due to climate change."*

A recent comprehensive study conducted by UNICEF found that one billion children are at 'extremely high risk' of the impacts of the climate crisis.<sup>2</sup> The study highlighted the four dimensions contributing to the greater vulnerability of children to climate and environmental shocks than adults:

- **Physical vulnerability:** Children are less able to withstand and survive shocks such as floods, droughts, severe weather and heatwaves.
- **Physiological vulnerability:** Toxic substances, such as lead and other forms of pollution, affect children more than adults, even at lower doses of exposure.
- **Disease susceptibility:** Children are more at risk of death than adults from diseases that are likely to be exacerbated by climate change, such as malaria and dengue.
- **Developmental impairment:** Any deprivation or harm caused by climate and environmental degradation at a young age can result in a lifetime of hardship and lost opportunity.

Given their exposure to climate risk and their heightened vulnerability to climate impacts, it is clear that the protection of children's rights should be centred in the global response to climate change.

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<sup>1</sup> Climate change and the full and effective enjoyment of the rights of the child (A/HRC/35/13)

<sup>2</sup> UNICEF (2021), The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index. Available at: <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>

## **b) The risks of climate action to children's rights.**

If children's rights are not taken into account when designing climate actions, there is a risk that the measures could negatively impact children's lives, particularly if they already live in vulnerable situations. The roll-out of climate action globally presents risks of exploitation of children as markets search for cheap labour to respond to increased demand for the assets of climate action.

Similarly, climate projects that lead to the displacement of people and communities due to land-intensive activities such as hydroelectric reservoir construction, forest protection, and plantation development for bioenergy or carbon sinks, for example, risk putting children in particularly vulnerable situations as families migrate and seek new livelihood options.

Poorly designed economic measures designed to mitigate emissions can inadvertently create conditions of insecurity for families and result in regressive impacts on children. For example, poorly designed carbon taxation, which fails to integrate measures to combat energy poverty, risks exacerbating adverse health outcomes from cold homes. Retrofitting schemes in regions with insufficient tenancy rights can promote rent-seeking behaviours on the part of landlords that can force children into situations of insecure shelter or even homelessness.

There are already stark examples of the exploitation of children in climate action. A 2017 report by Amnesty International and Afreewatch traced the sale of cobalt, used in lithium-ion batteries, from mines where children as young as seven work in perilous conditions. Children told Amnesty International they worked for up to 12 hours a day in the mines, carrying heavy loads to earn between one and two dollars a day. In 2014 approximately 40,000 children worked in mines across southern DRC, many mining cobalt, according to UNICEF. The batteries end up in electric vehicles, as well as other technologies.<sup>3</sup>

Climate action that is blind to the rights of children will, at best, miss opportunities to improve the well-being of children through the transition and, at worst, will undermine children's rights and result in adverse social outcomes. Repeated instances of such issues could undermine public confidence in climate action and threaten the success of the transition.

## **c) Incorporating children's rights will lead to better outcomes for children and the planet.**

While the previous two points elaborated on issues where children are victims of climate inaction or poorly planned climate action, it is important to stress that children are agents of change that push for the rapid reduction of GHG emissions, help with raising awareness about climate change and help prevent and reduce the impacts of climate-related disasters on them and their communities.

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<sup>3</sup> Amnesty International (2017) Democratic Republic of Congo: "This is what we die for": Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt.

There are good examples of where children's rights have been considered in climate action. For example, the Sendai Framework for Disaster Risk Reduction recognises the vital role of children in contributing to DRR, including climate change adaptation.<sup>4</sup> By including children in the preparation of DRR plans, decision-makers can mitigate against harmful coping mechanisms that families may adopt, such as removing children from school to help parents or siblings during times of disaster. Children have their own knowledge of risks and their own experiences of disasters, meaning that their coping mechanisms and priorities can differ from their adult counterparts.<sup>5</sup> In Nepal, for example, children engaged in DRR planning requested adequate infrastructure to secure safe passage to school during flooding or landslides and livelihood support for their families to ensure that they could complete their studies.<sup>6</sup> Children can identify problems, particularly human-induced and societal risks, that adults often overlook or underestimate, for instance, social exclusion or alcohol abuse.<sup>7</sup>

In terms of mitigation, aware and empowered children can be powerful agents of change in all sectors of society. They achieve this by engaging in politics, changing consumption practices, establishing more environmentally friendly policies in their schools and communities, and becoming local, national, and global activists.

This pattern is repeating throughout the world. At the forefront of the fight against climate change, child and youth environmental activists in the Global South are holding their governments to account for failing to act on the climate crisis. Indigenous youth activists such as Nina Gualinga and Autumn Peltier have drawn international attention to the damage already inflicted on the environment and the disproportionate impact of climate change on indigenous communities.<sup>8</sup> Protecting the rights of child activists and empowering them to act will help create the political space for enhanced ambition and urgency. Ensuring the right to environmental education will help to grow the movements.

By considering children in the design of climate action and enabling their participation, it is possible to bring about outcomes that improve the wellbeing of children and enhance and improve upon mitigation and resilience outcomes.

It is essential to recognise that the rights outcomes from these three pillars are not equivalent. The risks posed to children's rights by runaway climate change are unimaginably severe. So, the rapid reduction of emissions must be prioritised while the capacity to adapt is enhanced and the measures are put in place to protect children's rights through the transition. By acting now, Parties to the

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<sup>4</sup> UNISDR (Office for Disaster Risk Reduction) and Plan International (2012) Children's action for disaster risk reduction: views from children in Asia. Bangkok: UNISDR Asia Pacific and Plan International Asia Regional Office

<sup>5</sup> ODI (2020), Ending violence against children while addressing the global climate crisis

<sup>6</sup> Plush, T. (2009) 'Amplifying children's voices on climate change: the role of participatory video' Participatory Learning and Action 60: 119–128.

<sup>7</sup> Ibid, 5.

<sup>8</sup> Ibid, 7.



UNFCCC can help put a framework in place for domestic action that can ensure sustainable development and climate action that is good for children and the planet.

### 3. WHY NOW?

*A confluence of events offers a unique opportunity to robustly address children's rights and climate action across the UN System.*

2022 marks the 30<sup>th</sup> anniversary of the United Nations Framework Convention on Climate Change signing. From the speech given by 12-year-old Severn Cullis at the U.N. Conference on Environment and Development (the Rio Earth Summit) in 1992 to Greta Thunberg and her fellow protesters taking to the streets (and the courts), children have played a transformative role in driving changes in global mindsets and the promotion of climate action. And yet, within the UNFCCC, there has been minimal attention paid to incorporating children's rights into climate action. Beyond the reference to children's rights in the preamble of the Paris Agreement, there has been no robust consideration by the process of how to operationalise the commitment to "respect, promote and consider" children's rights in the implementation of climate action. Despite this gap, there is a clear appetite from States to do more, as evidenced for example by the more than thirty States that have signed the Declaration on Children, Youth and Climate Action, launched by YOUNGO and governments at COP25.<sup>9</sup>

The coming months offer a unique window of opportunity to advance consideration of children's rights in the UNFCCC process by taking some concrete steps to promote coherence with landmark processes seeking to enhance understanding and action with respect to child rights and climate change. These are described in more detail below.

#### a) General Comment 26 of the UN Committee on the Rights of the Child

In October 2021, the UN Committee on the Rights of the Child (CRC), responding to the calls from children around the world to create a more robust child rights framework from which to pursue ambitious climate action, committed to the development of General Comment 26 on children's rights and the environment with a special focus on climate change. The General Comment, when completed, will provide authoritative guidance to States on what is required to protect children's rights in the face of climate change. It is anticipated that the General Comment will be published in Spring 2023.

The UN Convention on the Rights of the Child (UNCRC) offers a powerful avenue for leveraging effective climate action, complementary to the UNFCCC. One hundred and ninety-three countries have ratified the UNCRC. Consequently, they are obligated to uphold each child rights article, meaning that governments have a legally bound responsibility to take action on climate change to ensure it does not infringe on child rights nationally.

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<sup>9</sup> <https://www.unicef.org/environment-and-climate-change/climate-declaration>

The UNCRC places obligations on governments to ensure that the rights of children in their country are upheld. Beyond the new General Comment currently in development, Article 24 and General Comment 5 also invoke the duty of international cooperation with respect to the action that developed countries must take to uphold child rights in developing countries. In practice, this means that developed countries must deliver on financial resources and political action to ensure that children can realise their rights in developing countries.

In the context of climate change, this could include mobilising resources to help vulnerable communities adapt to the impact of climate change and ensuring that emissions do not lead to climate change impacts that negatively affect children in developing countries. Finally, monitoring of the implementation of the UNCRC through State Party reporting processes, including civil society engagement, provides an additional avenue for enhancing accountability in terms of action to combat climate change.

### **b) Intergenerational equity in the UN System**

The 2021 publication of the UN Secretary General's report, Our Common Agenda, was noteworthy from the perspective of children's rights.<sup>10</sup> It signalled significant ambition regarding operationalising the concept of intergenerational equity within the UN System. The Agenda sets out three key actions under the theme of Future Generations. The first is the General Assembly summit – the Summit of the Future – to be held in 2023. The second is the creation of a United Nations Future Lab to ensure long-term thinking within the UN System. The final action had three elements – the repurposing of the Trusteeship Council to become a UN body for intergenerational equity, a Declaration on Future Generations, and the creation of the role of UN Special Envoy for Future Generations.

This commitment to intergenerational equity complements the Agenda's focus on "listening to and working with youth" through an expanded role for young people within the UN System, with the creation of a United Nations Youth Office and a concerted effort to remove barriers to political participation for young people and measure progress through a "youth in politics" index.

### **c) UN recognition of the Right to a Healthy Environment**

The processes outlined above take place against the backdrop of the historical recognition of the universal right to a healthy environment by the UN Human Rights Council in October 2021.<sup>11</sup> With widespread support among States and extensive engagement from civil society around the world, including children and youth, it is anticipated that the right could soon be affirmed by the UN General Assembly. Recognition of the right will have huge significance for children's rights, encompassing a safe climate, amongst other elements.

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<sup>10</sup> <https://www.un.org/en/content/common-agenda-report/>

<sup>11</sup> [A/HRC/RES/48/13](https://www.unhcr.org/refugees/48/13)

Parties to the UNFCCC that wish to support the child rights agenda under the global climate regime will also be advancing robust, implementable and monitorable coherence between climate action and child rights across the UN System. This would be in keeping with Resolution 18/22, adopted in 2011, in which the Human Rights Council detailed how human rights obligations and commitments should “inform and strengthen international and national policy-making in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes”.<sup>12</sup>

## 4. WHAT NEXT?

*Parties to the UNFCCC can take advantage of this unique opportunity to enhance climate action.*

Having considered the linkages between children’s rights, climate change and climate action, and the rationale for acting now to incorporate child rights more robustly into the implementation of the Paris Agreement, the following section offers some provocations on how Champion Parties may wish to achieve this. It is anticipated that these proposals will be built upon, improved and finessed through discussions with supportive Parties. Each consideration presented below is a modular component of a strategy which needs to be considered both individually and in relation to the other components. The ambition should be to find the preferred balance between what is ambitious, what is practical and what is expedient.

### a) Potential provisions

#### **Capacity building workshop on the CRC General Comment 26**

With General Comment 26 anticipated in early 2023, a capacity building workshop could be held at the UNFCCC SBs in 2023 at which the Committee on the Rights of the Child could meet with Parties to discuss the requirements for implementation of the General Comment. This could be held in conjunction with the Paris Committee on Capacity Building.

#### **Development of technical guidelines to support the implementation of General Comment 26**

This could be a follow up activity from the capacity building workshop. The UNFCCC, in cooperation with other relevant expert bodies, could produce technical guidelines to help Parties incorporate the substance of the General Comment into their NDCs and domestic climate strategies.

#### **Inputs and analysis of the Global Stocktake to include a child rights lens.**

The aforementioned technical guidelines could include guidance to support Parties to include, in their responses to the Global Stocktake, pertinent child rights elements, including any available disaggregated data. A decision could also request a child friendly version of the Global Stocktake Synthesis Report to be produced.

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<sup>12</sup> Available at: [Resolution 18/22](#)

## **Analysis of climate finance supporting the realisation of children's rights**

There is currently no information on the extent to which climate finance supports the realisation of children's rights. Parties could explore this, potentially through the post 2025 climate finance dialogue. This analysis could help to assess the impact of the implementation of response measures with regards to children and could inform the work of the two-year work programme on the global goal on adaptation;

### **In-session workshop on intergenerational equity**

An in-session workshop on intergenerational equity could allow Parties the opportunity to explore institutional mechanisms for long-term decision making at the national level and their implications for climate action. The event could feature existing institutional arrangements via the Network of Institutions for Future Generations and could engage the UN Special Envoy for Future Generations.

### **Child friendly explainers of COP decisions**

In order to enhance children's participation in the UNFCCC process, Parties could mandate the UNFCCC Secretariat, perhaps in conjunction with UNICEF, to produce child friendly explainers of all COP decisions. This is not necessarily an activity that would require a decision, but developing a mandate for it would increase visibility and ensure long term sustainability.

## **b) Children's Rights vs Children's Needs and Priorities**

Achieving a common understanding between Champion Parties on the framing of decision provisions would be an important first step. Would it be more advantageous to talk about children's rights or children's needs and priorities? The former would make for more robust text and linkages with other processes, the latter may be more achievable politically. The solution may be to choose the appropriate language based on the provision. For example, any effort to hold a capacity building workshop on General Comment 26 would necessarily address rights, linking to the preambular language of the Paris Agreement.

## **c) Positioning of provisions**

There would be a meaningful and symbolic significance to securing a stand-alone decision on children and climate action. However, it is also important to ensure that proposals are constructive and helpful to Parties with a very dense COP schedule. Some options might be:

1. A stand-alone decision, potentially tabled under AOB.
2. A section within the COP cover decision. By providing formatting, such as a sub-heading related to children's rights or children's needs and priorities, this option would have the appearance of a stand-alone decision.
3. Key provisions included across numerous decisions – for instance a workshop under the Action for Climate Empowerment decision.

#### **d) Timeline for securing provisions on child rights under the UNFCCC**

Ideally, robust provisions on children's rights would be included in a stand-alone decision, or incorporated into separate decision texts, at COP 27 in Egypt.

Should this prove to be unachievable, a fall-back option would be to secure key enabling provisions in Egypt with a view to securing a more robust decision at COP 28.





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