



**UNIVERSITÉ
DE GENÈVE**

**CENTRE FOR CHILDREN'S
RIGHTS STUDIES**



**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER

Committee on the Rights of the Child

General Comment 26 on children's rights and the environment, with a special focus on climate change.

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The climate crisis is "a code red for humanity. The alarm bells are deafening, and the evidence is irrefutable".

La crise climatique est “une alerte rouge pour l’humanité. Les sonnettes d’alarme sont assourdissantes et les preuves sont irréfutables”

António Manuel de Oliveira Guterres
Secrétaire general des Nations Unies

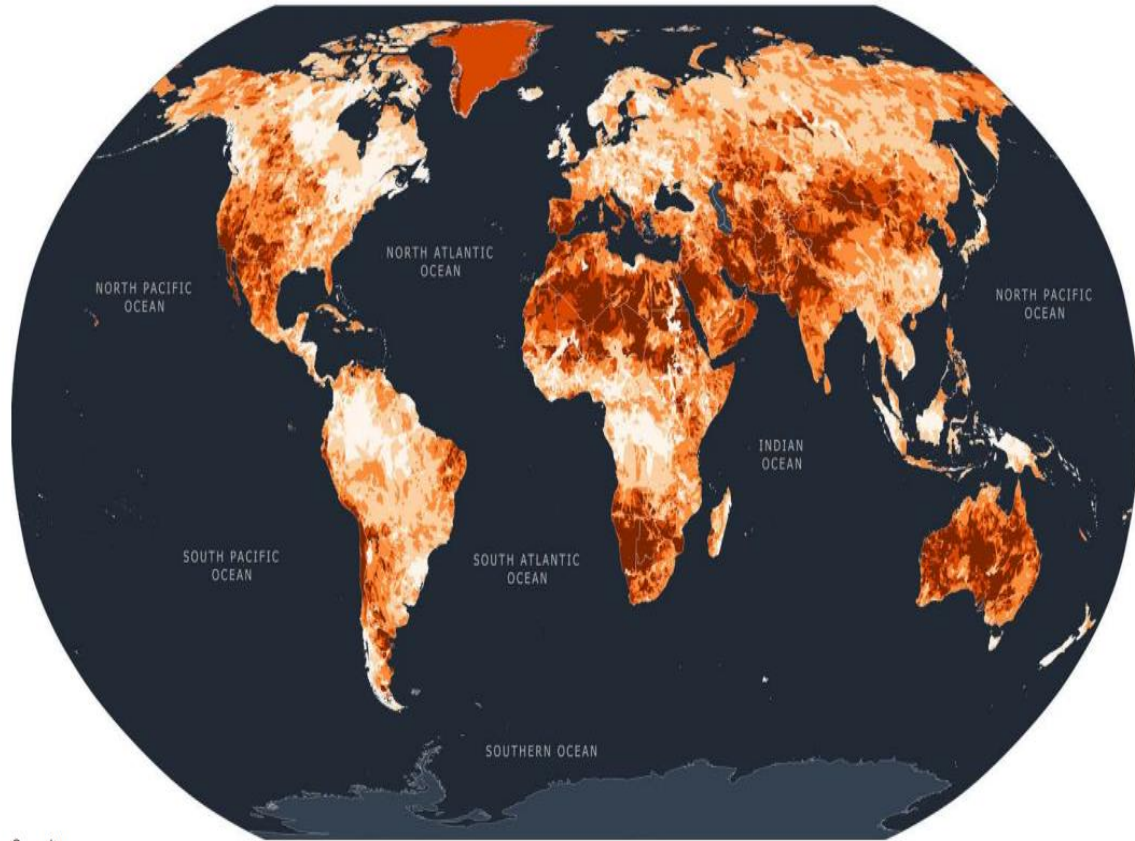


La crise climatique est une crise des droits de l'enfant



Source : "La crise climatique est une crise des droits de l'enfant", UNICEF, 2021

Map 5: Water Scarcity

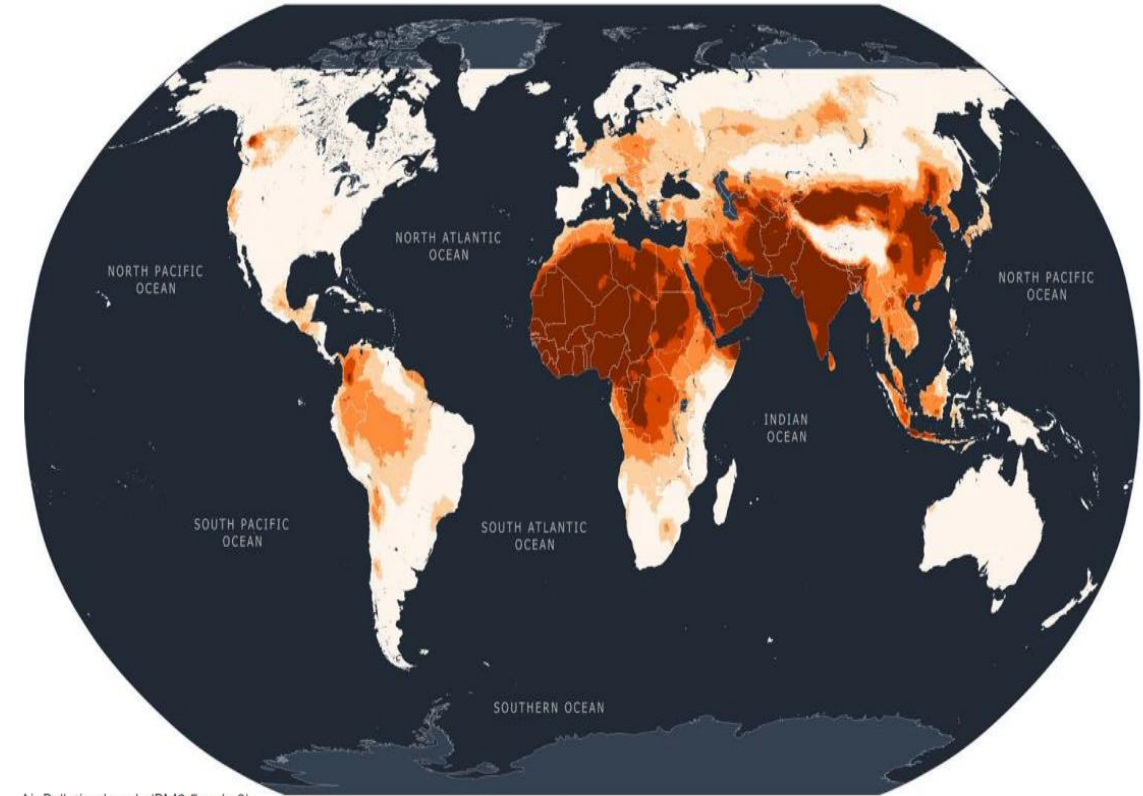


Severity

- Extremely High
- High
- Medium-High
- Low-Medium
- Low

Source: The Water Scarcity Index was created using water risk data from the World Resources Institute (WRI) and drought events data from the Global Data Risk Platform of the United Nations Environment Programme (UNEP)

Map 20: Air pollution (Average Annual Concentration)



Air Pollution Levels (PM2.5 $\mu\text{g}/\text{m}^3$)

- Extremely High ($\geq \text{IT-1}$, $35\mu\text{g}/\text{m}^3$)
- Very High ($\geq \text{IT-2}$, $25\mu\text{g}/\text{m}^3$)
- High ($\geq \text{IT-3}$, $15\mu\text{g}/\text{m}^3$)
- Above WHO Guidelines ($\geq 10\mu\text{g}/\text{m}^3$)
- Below WHO Guidelines ($\leq 10\mu\text{g}/\text{m}^3$)

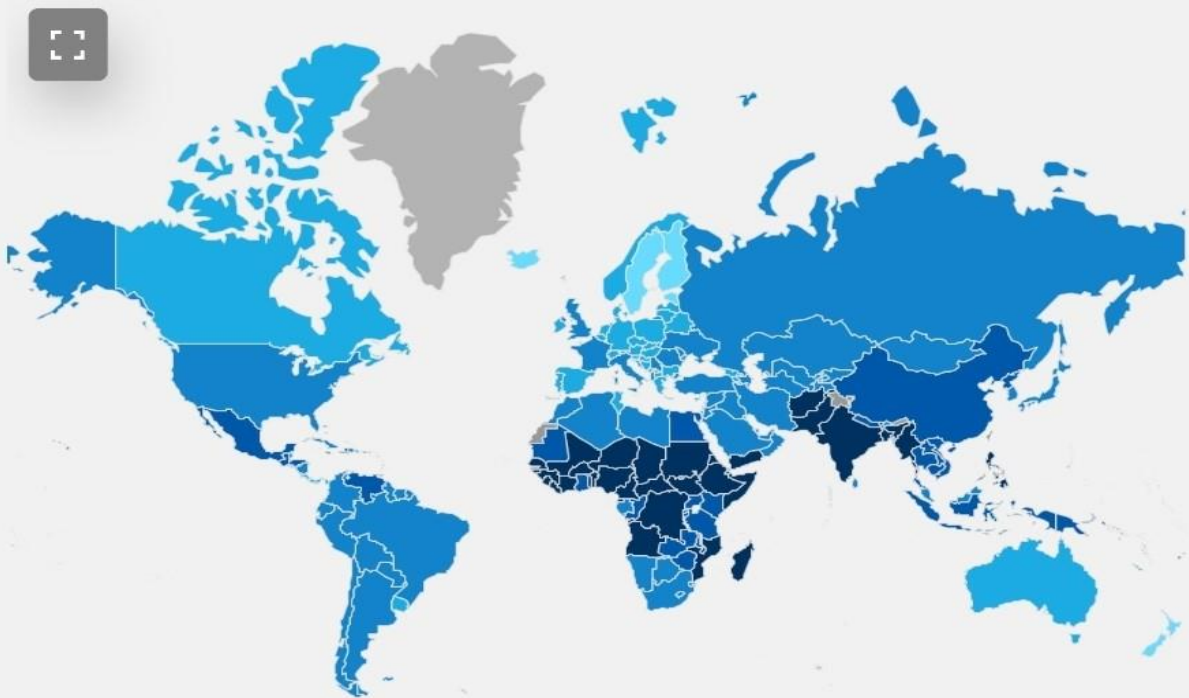
Source: Hammer, M. S.; van Donkelaar, A.; Li, C.; Lyapustin, A.; Sayer, A. M.; Hsu, N. C.; Levy, R. C.; Garay, M. J.; Kalashnikova, O. V.; Kahn, R. A.; Brauer, M.; Apte, J. S.; Henze, D. K.; Zhang, L.; Zhang, Q.; Ford, B.; Pierce, J. R.; and Martin, R. V., 'Global estimates and long-term trends of fine particulate matter concentrations (1998–2018)', *Environmental Science & Technology* 2020 54 (13), 7879-7890, doi: 10.1021/acs.est.0c01764.

Currently,

- 820 million children (1/3 of the total population of children in the world) are exposed to periodic brutal **HEAT WAVES**
- 920 million children are exposed to significant **WATER SCARCITY**
- 2 billion+ children (about 99% worldwide) are exposed to **ATMOSPHERIC POLLUTION**, a direct consequence of humanity's dependence on fossil fuel.

UNICEF (2021) Climate Crisis is a Child Rights Crisis : Introducing Children's Climate Risk Index

Globally, approximately **1 billion children** (nearly half of the world's children) live in extremely high-risk countries.



● Extremely High ● High ● Medium-High ● Low-Medium ● Low ● No data

This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers.

Note: The CCRI is composed of many indicators across climate and environmental hazards, shocks and stresses, as well as child vulnerability.

Source: UNICEF (2021), The Climate Crisis is a Child Rights Crisis: Introducing the Children's Climate Risk Index

Countries where children are most at risk

CCRI RANK	COUNTRY	CLIMATE AND ENVIRONMENTAL FACTORS	CHILD VULNERABILITY	CHILDREN'S CLIMATE RISK INDEX
1	Central African Republic	6.7	9.8	8.7
2	Chad	7.0	9.4	8.5
2	Nigeria	8.8	8.1	8.5
4	Guinea	7.7	8.9	8.4
4	Guinea-Bissau	6.4	9.5	8.4
4	Somalia	7.0	9.3	8.4
7	Niger	7.3	8.9	8.2
7	South Sudan	6.8	9.2	8.2
9	Democratic Republic of the Congo	7.2	8.6	8.0
10	Angola	6.5	8.9	7.9
10	Cameroon	7.8	7.9	7.9
10	Madagascar	7.8	7.9	7.9
10	Mozambique	7.5	8.2	7.9
14	Pakistan	8.7	6.4	7.7
15	Afghanistan	7.3	7.9	7.6
15	Bangladesh	9.1	5.1	7.6
15	Benin	7.1	8.1	7.6
15	Burkina Faso	7.3	7.8	7.6
15	Ethiopia	7.1	8.1	7.6
15	Sudan	6.9	8.2	7.6
15	Togo	7.8	7.3	7.6

United Nations



**Convention on the
Rights of the Child**

Distr.: General

Original: English

Committee on the Rights of the Child

**General Comment No. 26 (2023) on children's right to a
healthy environment, with a special focus on climate change**

ADOPTED

The Committee opens GC 26 in the following way:

- 1. The extent and magnitude of the triple planetary crisis, comprised of the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally.** Unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, have had a profound impact on the natural environment, fuelling climate change, intensifying toxic pollution of water, air and soil, causing ocean acidification, and devastating biodiversity and the very ecosystems that sustain all life.

General Comment 26 on children's right to a healthy environment, with a special focus on climate change

Intergenerational equity and future generations

11. The Committee recognizes the principle of intergenerational equity and the interests of future generations, **two notions that are overwhelmingly referred to by the children consulted.** While the rights of children who are already present on this planet require immediate urgent attention, the children constantly arriving are also entitled to the realization of their right to development to the maximum extent. Beyond their immediate child rights obligations under the Convention with regard to the environment, **States also bear responsibility for foreseeable environment-related threats arising as a result of acts or omissions of States now, the full implications of which may not manifest for years or even decades.**



General Comment 26 on children's right to a healthy environment, with a special focus on climate change



Convention on the
Rights of the Child

Distr.: General
17 April 2013

Original: English

Committee on the Rights of the Child

General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*

- **States should take measures to address the dangers and risks that local environmental pollution poses to children's health in all settings.** Adequate housing that includes non-dangerous cooking facilities, a smoke-free environment, appropriate ventilation, effective management of waste and the disposal of litter from living quarters and the immediate surroundings, the absence of mould and other toxic substances, and family hygiene are core requirements to a healthy upbringing and development. States should regulate and monitor the environmental impact of business activities that may compromise **children's right to health, food security and access to safe drinking water** and to sanitation.
- The Committee draws attention to the relevance of the environment, beyond environmental pollution, to children's health. **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 right to a clean, healthy and sustainable environment

63. **Children have the right to a clean, healthy and sustainable environment.** This right is implicit in the Convention, and directly linked to, in particular, the rights to life, survival and development (art. 6), the highest attainable standard of health, including 'taking into consideration the dangers and risks of environmental pollution' (art. 24), an adequate standard of living (art. 27) and education, including the development of respect for the natural environment (art. 29).

65. Towards the realization of this right for children, the Committee considers that the following actions are among those that States should take immediately to fulfil their obligations:

- **Improve air quality** by reducing both outdoor and household air pollution to prevent child mortality especially in the under-five population;
- **Ensure access to safe and sufficient water, sanitation, and healthy aquatic ecosystems** to prevent the spread of waterborne illness among children;
- **Conserve, protect and restore biodiversity**

67. States should incorporate children's right to a clean, healthy and sustainable environment in their national legislation, and take adequate measures to implement it, in order to strengthen accountability. States should also mainstream this right across all decisions and measures concerning children, including policies related to **education, leisure, play and access to green spaces, child protection and health, migration**, as well as national frameworks for implementation of the Convention.

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General measures of implementation (art. 4)

State obligations to respect, protect and fulfil

69. States have a due diligence obligation to take appropriate preventive measures to protect children against reasonably foreseeable environmental harm and violations of their rights, paying due regard to the precautionary principle. Such obligation includes assessing the environmental impacts of policies and projects, identifying and preventing foreseeable harm, mitigating such harm if it is not preventable, and providing for timely and effective remedies to redress actual harm

Child rights impact assessments

- All proposed and existing legislation, policies, projects, and decisions pertaining to the environment necessitate thorough child rights impact assessments, as mandated by Article 3(1) of the Convention.
- States should enforce both prior and subsequent assessments of potential environmental and climate impacts - direct, indirect, transboundary, cumulative, and both in production and consumption - on the realization of children's rights.

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Children's rights and the business sector

78. Businesses have responsibilities to respect children's rights in relation to the environment, and States have the obligation to protect against abuse of child rights by third parties, including business enterprises.

80. States have obligations to provide a framework to ensure that businesses respect the rights of the child, through effective child-sensitive legislation, regulation and enforcement, as well as policy, remedial, monitoring, coordination, collaboration and awareness-raising measures.

Climate finance

111. Both international climate finance providers and recipient States should ensure that climate finance mechanisms are anchored on a child rights-based approach under the Convention and its Optional Protocols. In particular, States should ensure that any climate finance mechanisms uphold and not violate children's rights; increase policy coherence between child rights obligations and other objectives, such as economic development; and strengthen the demarcation of roles of various stakeholders in climate finance, such as governments, financial institutions including banks, businesses and affected communities, especially children.

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Access to justice and remedies

82. Effective remedies should be available to redress violations and promote social justice. Although children have been at the vanguard of several environmental and climate change cases, and the Convention makes it clear that they are rights holders, in many States their status creates barriers regarding legal standing and they have limited means of asserting their rights in the environmental context.

83. States should provide child-friendly, gender-responsive and disability inclusive pathways for children's access to justice. This includes removing barriers, for example, by allowing children to initiate proceedings in their own right and adjusting rules of standing to ensure their access to effective judicial, quasi-judicial and non-judicial mechanisms, including child-centred national human rights institutions, for violations of their rights relating to environmental harm. Complaint mechanisms and procedures should be child-sensitive, gender-responsive and disability inclusive. National human rights institutions should have mandates to receive complaints from children.

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Access to justice and remedies

84. Mechanisms should be available for claims of imminent or foreseeable harms, as well as past or current violations of children's rights. **States should ensure that these are readily available to all children under their jurisdiction without discrimination, including for children outside their territory affected by transboundary harm resulting from States' acts or omissions occurring within their territories.**

85. States should provide for **collective complaints**, such as class actions and public interest litigation and extending limitation periods for violations of children's rights due to environmental harm.

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Mitigation

95. The Committee calls for collective urgent actions by all States to use the narrow temporal window of opportunities to mitigate greenhouse gases. In particular, historical and current major emitters have the obligation to lead on mitigation efforts.

Adaptation

101. Since climate-related impacts are intensifying, a sharp and urgent increase in the design and implementation of child-sensitive, gender-responsive and disability-inclusive adaptation measures and associated resources is necessary. States should identify climate-related child vulnerabilities concerning the availability, quality, equity and sustainability of essential services for children, such as water and sanitation, health care, protection, nutrition and education.

Loss and Damage

104. The importance of addressing loss and damage is acknowledged in the Paris Agreement. It states that "Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change". Moreover, from a human rights lens, the adverse effects of climate change have led to significant losses and damages, particularly by those in the developing world.

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The right to rest, play, leisure, recreation (art. 31)

60. Conversely, unsafe and hazardous environments undermine the realization of the rights under article 31(1) of the Convention, and are risk factors for children's health, development and safety. Children, particularly those living in poverty and in urban settings, need inclusive spaces to play that are close to their homes and free from environmental hazards. The impacts of climate change exacerbate these challenges, while climate-related stress on households and family incomes may reduce children's time available and ability for rest, leisure, recreation and play.

61. States shall take effective legislative, administrative and other measures to ensure that all children, without discrimination, are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds. Public planning in both rural and urban settings should give children's views due weight and prioritize the creation of environments which promote their well-being. Consideration should be given to provision of access to green areas, large open spaces and nature for play and recreation, with safe, affordable and accessible transport, creation of a safe local environment for free play, including freedom from pollution, hazardous chemicals and waste, and road traffic measures to reduce levels of pollution near households, schools and playgrounds, including design of zones in which children playing, walking and cycling have priority.

Specific rights of the Convention as they relate to the environment

- A. The right to life, survival and development (art. 6)
- B. The right to the highest attainable standard of health (art. 24)
- C. The right to education (arts. 28 and 29 (1) (e))
- D. The right to adequate standard of living (art. 27)
- E. The right to rest, play, leisure, recreation and cultural and artistic activities (art. 31)
- F. The right of indigenous children (art. 30)
- G. The right to non-discrimination (art. 2)
- H. The best interests of the child (art. 3)
- I. The right of the child to be heard (art. 12)
- J. Freedom of expression, association and peaceful assembly (arts. 13 and 15)
- K. Access to justice and remedies (art. 4)

**Finally a special thought for all the courageous children who are advocating, protesting, taking risks and demanding that governments and adults take responsibility...
for our own common good!**

Child Human Rights Defenders

Merci de votre attention

