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Children’s Rights and Climate Change

Karin Arts

Introduction: Climate Change and its Impact on Children

Climate change is becoming ever more visible in seriously harmful consequences across the globe.¹ During the last decade, the collective and individual human rights aspects of climate change have gradually gained recognition, among international and national policy makers, law makers and civil society organisations,² and within both the United Nations (UN) system³ and academia alike.⁴ Over time, international law too has

¹ The work of the Intergovernmental Panel on Climate Change has clearly substantiated this in its numerous reports about the phenomenon of climate change and its effects (see <http://www.ipcc.ch/>). Likewise, the World Meteorological Organization is closely monitoring climate change (see, for example, “WMO Statement on the Status of the Global Climate 2015” (Geneva: World Meteorological Organization, 2016)).

² See, for example, Oxfam International, “Climate Wrongs and Human Rights: Putting People at the Heart of Climate-Change Policy” (Oxfam briefing Paper 117, September 2008); Human Rights and Climate Change Working Group, “Resources”, <http://climaterights.org/resources/>; M Robinson, “Climate Change is a Human Rights Issue” (5 August 2013), <http://www.themarknews.com/2013/08/05/on-the-brink/#content>.

³ See, for example, Office of the High Commissioner for Human Rights, “Understanding Human Rights and Climate Change: Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change” (26 November 2015), <http://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>; UNEP (in cooperation with Columbia Law School, Sabin Center for Climate Change Law), “Climate Change and Human Rights” (2015), http://web.law.columbia.edu/sites/default/files/microsites/climate-change/climate_change_and_human_rights.pdf.

⁴ See, for example, D Olawuyi, *The Human Rights-Based Approach to Carbon Finance* (Cambridge: Cambridge University Press, 2016), 17-23; M Wewerike, “Climate Change (Human Rights Committee, *Ad Hoc* Conciliation

developed such that the arguments in favour of approaching climate change in a human rights-based manner have become plausible, if not unavoidable. According to John Knox, first ever UN Independent Expert on Human Rights and the Environment (2012-2015) and thereafter the first ever Special Rapporteur to the UN Human Rights Council on the same topic:

the belief that human rights is relevant to climate change quickly moved from the fringe to the mainstream. Since 2008, the UN Human Rights Council has unanimously adopted a series of resolutions concluding that climate change can have negative implications for the effective enjoyment of human rights, including the rights to life, health, food, water, housing and self-determination.⁵

The relationship between climate change and human rights can be seen in many different ways. In very general terms, one might distinguish work on establishing the human rights impacts of climate change and developing this into a basis for arguing that action to curb climate change is mandatory and underpinned by human rights norms, from the human rights aspects of mitigating and adapting to climate change. On the latter, Naomia Roht-Arriaza has noted that:

in a number of places, the climate change regime's single-minded focus on carbon reduction has had negative consequences. These include violations of the rights of farmers or forest peoples, especially indigenous peoples, massive involuntary displacement, or evictions as certain lands become more valuable. The climate change regime may also create undesirable human rights impacts affecting food, water and energy security, increasing the maldistribution of land and resources, and further impoverishing the already poor. Furthermore, when affected people protest against these violations, civil and political rights violations may result."⁶

The use of biofuels as an alternative to fossil fuels is a further, specific example of a climate change measure that may give rise to serious human rights issues including the unavailability of (affordable) food⁷ and forced displacement of local populations.⁸

Against this background, this chapter specifically explores some children's rights aspect of climate change. The primary reason for doing so lays in the fact that children are especially affected by climate change. Children – in line with the definition offered in article 1 of the United Nations Convention on the Right of the

Commission)", in M Gibney and W Vandenhole (eds.), *Litigating Transnational Human Rights Obligations: Alternative Judgements* (London: Routledge, 2014), 155-185; D Manou, "Climate Change and Human Rights", in A Mihr and M Gibney (eds.), *The Sage Handbook of Human Rights* (London: Sage, 2014); D Bell, "Does Anthropogenic Climate Change Violate Human Rights?" (2011) 14 *Critical Review of International Social and Political Philosophy* 99.

⁵ J Knox, "Climate Ethics and Human Rights" (2014) 5 (Special Issue) *Journal of Human Rights and the Environment* 25-26.

⁶ N Roht-Arriaza, "Human Rights in the Climate Change Regime" (2010) 1 *Journal of Human Rights and the Environment* 211, 213.

⁷ This may occur when crops previously used for human consumption start to be used for fuel production.

⁸ For example, as a consequence of hydro-electric projects or conversion of forests to palm oil plantations. See Roht-Arriaza, above n 6, 220.

Child, that is persons between 0 and 18 years old – make up about 30 per cent of the world population.⁹ Youth between the ages of 10 and 24 years old, count for about a quarter of the world population.¹⁰ Children and youth combined are even the majority of the population in a large number of countries, including the world’s 48 least developed countries.¹¹ One should always operate in an evidence-based manner and thus cannot simply assume the negative consequences of climate change for children. However, there is ample evidence that children are more prone to the harmful health¹² and other negative effects of climate change than adults, and that they are especially vulnerable in climate change-related disasters such as floods. As Suzana Sanz-Caballero has pointed out, climate change also makes “healthcare infrastructures unavailable or scarce. This is a real problem leading, for the first time in centuries, to a decrease in the standard of health, with a shortage of immunization programs and a lack of medicines and surgical instruments”.¹³ According to Elizabeth Gibbons, “climate change is already having a disproportionate effect on 21st century children”.¹⁴ This effect manifests among others in constrained access to clean drinking water, increase of diseases such as diarrhoea and malaria with increase in temperature, reductions in the quantity and nutritional quality of food, flood-related fatality rates of children, undernutrition and mental health effects such as post-disaster trauma, effects on

⁹ Children make up 2.2 billion of the total world population of 7.3 billion, according to the 2016 data (<http://www.census.gov/population/international/data/idb/worldpop.php>).

¹⁰ The exact definition of the category “youth” differs according to purpose and both within and across organisations. For information on this in the United Nations system, see for example. United Nations Department of Economic and Social Affairs (UNDESA), “Definition of Youth”, (<http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>). The Office of the Secretary-General’s Envoy on Youth, referred to the age range of 10 to 24 years to underpin its message that at present the world has the largest youth population ever, amounting to about 1.8 billion of them (<http://www.un.org/youthenvoy/2015/04/10-things-didnt-know-worlds-population/>).

¹¹ Id.

¹² See, for example, K Ebi and J Paulson, “Climate Change and Children” (2007) 54 *Pediatric Clinics of North America* 213. For more recent material see, for example, M Miller, M Marty, and P Landigran, “Children’s Environmental Health: Beyond National Boundaries” (2016) 63 *Pediatric Clinics of North America* 149, and UNICEF, *The Challenges of Climate Change: Children on the Front Line* (Florence: UNICEF Office of Research, 2014). The latter is a very useful comprehensive overview of the child-related effects of climate change, presented in contributions by 40 experts who, according to UNICEF, “present the best knowledge from the climate change debate” (ibid., 1). The report conveys among others that, “[e]ven leaving aside natural disasters, children are already suffering most from the adverse health consequences of a warmer world, accounting for up to four in five of all illnesses, injuries and deaths attributable to climate change.” (id.)

¹³ S Sanz-Caballero, “Children’s Rights in a Changing Climate: A Perspective From the United Nations Convention on the Rights of the Child” (2013) 13 *Ethics in Science and Environmental Politics* 1, 5.

¹⁴ E Gibbons, “Climate Change, Children’s Rights, and the Pursuit of Intergenerational Climate Justice” (2014) 16 *Health and Human Rights Journal* 19, 20.

access to education, health care and on child protection, involuntary displacement and migration¹⁵ and other “disaster-misfortune”.¹⁶

It is important to note that, perhaps counter-intuitively, at times there may also be positive effects of climate change on particular children’s rights. There are for example documented instances of positive effects of natural disasters on education, in the sense that “a natural disaster could ‘change the opportunity cost of sending children to school, through [reduced] market wages’ thus potentially generating larger incentives to send children to school.”¹⁷ However, such unexpected positive effects will most probably manifest at a much lower scale than is the case for the negative effects of climate change.

Finally, an additional aspect that makes children especially affected by climate change lies in the fact that they are exposed to the consequences of climate change both at present and in the future. All of the above combined has led among others the United Nations Children’s Fund (UNICEF) to the firm conclusion that “[t]he brunt of the impact of climate change is borne by children”.¹⁸ Thus it is both justified and necessary to take a child-focused approach to climate change. As will be further elaborated in the next section of this chapter, given the existence of the UN Convention on the Rights of the Child, in fact a child rights-based approach to climate change is required. In the remainder of this chapter I will share some ideas about what this means and implies in terms of law, policy-making and implementation. In addition I will present some relevant practical examples of concrete climate change related interventions and assess, to the extent possible, their child rights focus and outcomes. This will generate pointers for further strengthening child rights-based responses to climate change in the future. These must include activities

¹⁵ An estimated average number of 22.5 million people per year, or 62,000 people every day, have been affected by climate-related displacement. Many of these displaced people are children. See UNICEF, *Unless We Act Now: The Impact of Climate Change on Children* (New York: UNICEF, 2015), 30.

¹⁶ *Ibid.*, 21-23. See also, for example, K Ebi and J Paulson, above n 12; and K Arts, “A Child Rights Perspective on Climate Change”, in M Salih (ed.), *Climate Change and Sustainable Development: New Challenges for Poverty Reduction* (Cheltenham: Edward Elgar, 2009), 84-86. Y Akachi, D Goodman and D Parker, in their “Global Climate Change and Child Health: A Review of Pathways, Impacts and Measures to Improve the Evidence Base” (Innocenti Discussion Paper No. 2009-03) (Florence: UNICEF, 2009), presented an overview of the literature on global climate change and child health published before April 2009. For more recent material see, for example, A Bernstein and S Myers, “Climate Change and Children’s Health” (2011) 23 *Current Opinion in Pediatrics* 221; Z Xu et al, “Climate Change and Children’s Health – A Call for Research on What Works to Protect Children” (2012) 9 *International Journal of Environmental Research and Public Health* 3298; Sanz-Caballero, above n 13; M Miller, M Marty and P Landigran, “Children’s Environmental Health: Beyond National Boundaries” (2016) 63 *Pediatric Clinics of North America* 149; UNICEF, above n 12; UNICEF, *Unless We Act Now*, above n 15.

¹⁷ F Seballos et al, *Children and Disasters: Understanding Impact and Enabling Agency* (Brighton: Children in A Changing Climate/Institute for Development Studies, 2011), 16.

¹⁸ UNICEF, above n 12, vii and 1.

that, at a minimum, involve children and optimally are child-led, as besides being especially affected and often especially vulnerable, children are also important agents of change.

The Normative Framework: Children’s Rights, Climate Change and Sustainable Development

All states in the world, except the United States of America, are bound by the United Nations Convention on the Rights of the Child (UNCRC). This Convention was adopted in 1989 and at present has 196 states parties.¹⁹ In relation to the problem of climate change, from a legal point of view it is interesting that virtually all of these same states are also bound by the United Nations Framework Convention on Climate Change (UNFCCC), which was adopted in 1991 and at present has been ratified by 197 states.²⁰ These states also widely support the Paris Agreement (which addresses climate change, was adopted in December 2015 and is in the process of being ratified since) and the Sustainable Development Goals. The latter address both climate change in particular and the needs and roles of children in relation to sustainable development more in general.

As will be further specified below, this normative framework makes children’s rights an important point of departure both for conceptualising obligations, responsibilities and responses to climate change, and for operationalising adaptation and mitigation measures. This already is the straightforward implication of article 4 of the UNCRC alone, the general implementation article of the Convention. Article 4 indeed prescribes that states “shall undertake all appropriate ... measures for the implementation of the rights recognized” in the UNCRC.²¹ Now that it is clear that climate change is both a serious threat to implementation of the UNCRC as a whole, and that it brings concrete health and other risks to children, the implication is that climate change interventions are mandatory and need to be child rights-based. The general implementation principles of the UNCRC – child survival and development as the central substantive objectives, and non-discrimination, best interests of the child and participation as important guidance for both the content and modalities of implementation efforts – provide a useful and practical framework that should inform all relevant climate change related action.

In line with other UN human rights treaties, none of which include a right to a healthy environment, the UNCRC only scarcely refers to environmental issues directly. It does not refer to climate change at all. In a 2010 journal article, Pamela

¹⁹ Status on 11 September 2016, as in UN Treaty Collection, <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>.

²⁰ Id.

²¹ This was already argued in K Arts, above n 16, 89-90.

Stephens explored whether the then existing human rights norms in the spheres of the right to life, the rights of indigenous peoples, the right to privacy and socio-economic rights norms encompassed “the impacts of climate change on humans”.²² While she found above-average hold in the UNCRC – given its relevance to future generations and to “the dangers and risks of environmental pollution” in a sub-section of article 24 on the right to health²³ – on the whole she concluded that applicable international law on the matter was emerging at the time, but too generic to have concrete legal implications or to provide concrete remedies.

A systematic review of the text of the UNCRC (in terms of relevance in relation to climate change) results in the following picture. In fact, the large majority of UNCRC provisions in one way or another has a (potential) role to play and/or may be seriously affected by climate change, now or in the future.²⁴ As stated above, in light of the imminent short-term and long-term negative impacts of climate change on the right to life, survival and development of children (art. 6), and on the child rights to health (art. 24),²⁵ education (arts. 28 and 29), rest, leisure and play (art. 31) and possibly on the right (art. 30) of minority or indigenous children to enjoy their own culture (e.g. in view of the role of land or traditional livelihoods) states need to take all appropriate measures (art. 4) to counter, if not prevent, such negative impacts. As stated above as well, the following general implementation principles of the UNCRC should direct all types of such measures: non-discrimination (art. 2); best interests of the child as “a primary consideration” in “all action concerning children” (art. 3); and participation (in the sense of: the child rights to express her/his views and to be heard in article 12, the freedoms of expression and information according to articles 13 and 17, the freedom of thought according to article 14, the freedom of association and assembly as in article 15).²⁶

In situations of disasters related to climate change, and resulting situations of displacement or national or international migration, the right to birth registration, to a name and nationality and the right to know and be cared for by her or his parents (art. 7)

²² P Stephens, “Applying Human Rights Norms to Climate Change: The Elusive Remedy” (2010) 21 *Colorado Journal of International Environmental Law and Policy* 49, 51.

²³ *Ibid.*, 61-62, analysing article 24(2c).

²⁴ However, for more restricted lists see UNICEF, *The Challenges of Climate Change*, above n 12, 48-49, and Our Children’s Trust et al, “State Obligations Regarding Children’s Rights and Climate Change” (Submission to the UN Committee on the Rights of the Child, 2016 Day of General Discussion), <http://static1.squarespace.com/static/571d109b04426270152febe0/t/57bf0ff5ebbd1afb36a4c4e3/1472139275560/OCT+et+al.+CRC+Submission.pdf>, 12-13.

²⁵ In fact, apart from article 6 UNCRC, article 24 is the one provision that connects with the problem of climate change most directly. It refers among others to state obligations to diminish infant and child mortality, to ensure the provision of medical assistance and health care to all children, to combat disease and malnutrition, to provide adequate nutritious food and lean drinking water “taking into consideration the dangers and risks of environmental pollution”.

²⁶ See also Our Children’s Trust et al, above n 24, 9-10.

may be at particular risk. On the right to a nationality, Sanz-Caballero has already pointed out that in the future the world may even be confronted with the extreme scenario of states whose territories cease to exist because of climate change. This may occur to small-island or other vulnerable states, and would cause a complicated situation in terms of the nationality of the citizens of such a state.²⁷ According to article 7(2) of the UNCRC, in relation to children, states parties to the UNCRC should find adequate solutions for this situation, “in particular where the child would otherwise be stateless”. In this light, article 8(1) of the UNCRC may be relevant as well, to the extent that it provides the right of a child to preserve his or her identity, including nationality, without unlawful interference. Likewise, articles 10 (on the right to enter or leave a state for the purpose of family reunification) and 22 (on refugee children) may be useful.

In disaster and post-disaster situations, the following UNCRC articles might have special significance: article 9 on the child right not to be separated from her or his parent against the child’s will; articles 11 and 35 on the illicit transfer of children abroad, and the abduction of, sale of, or traffic in children; article 16 on arbitrary interference with a child’s privacy, family or home; article 19 on protection against physical or mental violence, injury, (sexual) abuse, neglect, maltreatment or exploitation while in the care of parents or other caretakers; article 20 on alternative care in case the child cannot stay in her/his family environment; article 21 on adoption; article 23 on the right to special care of children with disabilities; article 25 on children placed in physical or mental health care; article 26 on social security; article 27 on the right of every child to an adequate standard of living; article 32 on economic exploitation and hazardous or harmful work; article 34 on protection from sexual exploitation and sexual abuse; article 36 on protection against all other forms of exploitation.

Finally, it is important to note that the UNCRC strongly emphasises the need for international cooperation and formulates relatively clear obligations in this regard. At the end of the Preamble, international cooperation is broadly recognised as important “for improving the living conditions of children in every country, in particular in the developing countries”. In the UNCRC’s main text, international cooperation is specifically featured as a way to realise the Convention’s provisions on: economic, social and cultural rights (art. 4); the production, exchange and dissemination of information and material of social and cultural benefit to the child (art. 17); protecting and assisting refugee children (art. 22); preventive health care and treatment of children with disabilities (art. 23); health (art. 24); and education (art. 28).²⁸ In relation to the knowledge, data and other resources needed for combating

²⁷ Sanz-Caballero, above n 13, 10.

²⁸ See, for example, K Arts, “Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges” (2014) 61 *Netherlands International Law Review* 267, 281, 300-301.

climate change, international cooperation thus is an essential element of a child rights-based approach.

Since the adoption of the UNCRC in 1989 a few developments have taken place that might provide further context for interpreting and assessing the Convention in relation to environmental issues, and more in particular to climate change, or to get a more informed basis for considering what designated environmental children's rights provisions might look like. In "A World Fit for Children", a non-binding document adopted at the UN General Assembly's Special Session on Children in 2002, heads of states and government pledged to "give every assistance to protect children and minimize the impact of natural disasters and environmental degradation on them".²⁹ They acknowledged that a "number of environmental problems and trends, such as global warming, ozone layer depletion, [and] air pollution, (...) need to be addressed to ensure the health and well-being of children".³⁰ In addition, they announced that they would take measures to manage their natural resources and protect and conserve their environment in a sustainable manner and help "to educate all children and adults to respect the natural environment for their health and well-being".³¹ Finally, they urged

the private sector to assess the impact of its policies and practices on children and to make the benefits of research and development in science, medical technology, health, food fortification, environmental protection, education and mass communication available to all children, particularly to those in greatest need.³²

Since 2001, the UNCRC Committee has regularly adopted "General Comments". These documents elaborate on specific provisions of the Convention, or address cross-cutting issues,³³ and are generally seen as authoritative views on the substance of the UNCRC and useful sources for interpreting the Convention. While at least six of the 19 General Comments (GCs) that have been issued so far address environmental matters in general terms, climate change has been taken up explicitly in one GC only. This occurred in GC No. 15 on the child right to health, adopted in 2013, in which the UNCRC Committee referred to the "growing understanding of the impact of climate change ... on children's health".³⁴ The Committee presented its specific take on the interpretation of UNCRC Article 24 in light of environmental issues, and climate change in particular. According to the Committee, given "the relevance of the environment, beyond environmental pollution, to children's

²⁹ (UN Doc. A/RES/S-27/2, 11 October 2002), [7.10].

³⁰ *Ibid.*, [27].

³¹ *Ibid.*, [28].

³² *Ibid.*, [57].

³³ Arts, above n 28, 190-191.

³⁴ UNCRC Committee, "General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (art. 24)" (UN Doc. CRC/C/GC/15, 17 April 2013), 2.

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.”³⁵

Six other General Comments of the UNCRC Committee contain statements that, although they are formulated in general terms, carry relevance for issues of climate change. The risks of pollution and disasters are underlined respectively in GCs No. 9 and 13. The former, on children with disabilities, explains that “[h]azardous environment toxins also contribute to the causes of many disabilities” and refers to the state’s role in preventing environmental pollution.³⁶ GC No. 13 on violence against children clarifies that “children which are likely to be exposed to violence include ... children ... living in accident- or disaster-prone areas or in toxic environments”.³⁷

Even though the UNCRC does not contain a directly formulated right to a healthy environment, according to the UNCRC Committee such a right is part and parcel of pursuing the realisation of the Convention. In GC no. 7, on early childhood, the Committee issued the following reminder:

[T]he right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, ... *a healthy and safe environment*, education and play.³⁸

This was indirectly reinforced in GCs No. 11, 14 and 16. GC No. 11 points out that “States parties should closely consider the cultural significance of traditional land *and the quality of the natural environment* while ensuring the children’s right to life, survival and development to the maximum extent possible”.³⁹ GC No. 14, on the best interests of the child, clarifies that the term “public and private welfare institutions” that is used in UNCRC article 3 refers among others to institutions that are “related to economic, social and cultural rights (e.g. care, health, *environment* ...)”.⁴⁰ GC No. 16, on the right to leisure, play, recreational activities, cultural life and the arts specifies that an “environment sufficiently free from waste, pollution, traffic and other physical hazards” is crucial for allowing children

³⁵ *Ibid.*, 7.

³⁶ UNCRC Committee, “General Comment No. 9 (2006) The Rights of Children With Disabilities” (UN Doc. CRC/C/GC/9, 27 February 2007), [54].

³⁷ UNCRC Committee, “General Comment No. 13 (2011) The Right of the Child to Freedom from All Forms of Violence” (UN Doc. CRC/C/GC/13, 18 April 2011), [72(g)].

³⁸ UNCRC Committee, “General Comment No. 7 (2006) Implementing Child Rights in Early Childhood” (UN Doc. CRC/C/GC/7/Rev.1, 20 September 2006), [10].

³⁹ UNCRC Committee, “General Comment No. 11 (2009) Indigenous Children and Their Rights Under the Convention” (UN Doc. CRC/C/GC/11, 12 February 2009), [35] (emphasis added).

⁴⁰ UNCRC Committee, “General Comment no. 14 (2013) on the Right of the Child to Have his or her Best Interests Taken as a Primary Consideration (art. 3, para. 1)” (UN Doc. CRC/C/GC/14, 29 May 2013), [26] (emphasis added).

“to circulate freely and safely within their local neighbourhood” and for allowing them opportunities “to experience, interact with and play in natural environments and the animal world”.⁴¹

Finally, it is relevant to note that GC No. 1, on the right to education, underlined among others the importance of UNCRC article 29(1e) on the role of education in developing respect for the natural environment. According to the UNCRC Committee this entails for example that

education must link issues of environment and sustainable development with socio-economic, sociocultural and demographic issues. Similarly, respect for the natural environment should be learnt by children at home, in school and within the community, encompass both national and international problems, and actively involve children in local, regional or global environmental projects.⁴²

In addition, “the curriculum must be of direct relevance to the child’s ... environmental ... context and to his or her present and future needs and take full account of the child’s evolving capacities”. Obviously, this is a strong plea for climate change education.

Besides global children’s rights instruments, clearly environmental instruments too are part of the relevant normative framework for children’s rights and climate change. However, while the UN Framework Convention on Climate Change (FCCC) raises the human impact of climate change here and there, it does not mention children in particular. While children evidently are part and parcel of the terms “humankind” and “present and future generations” which are used in the UNFCCC,⁴³ the text of this Convention does not pay any explicit attention to children or youth. Human rights or child rights dimensions of climate change are not raised either.⁴⁴ In this respect the latest international climate change instrument, the Paris Agreement adopted in December 2015,⁴⁵ is a welcome addition to the normative framework among others because it provides the following:

⁴¹ UNCRC Committee, “General Comment No. 17 (2013) on the Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts (art. 31)” (UN Doc. CRC/C/GC/17, 17 April 2013), 6.

⁴² UNCRC Committee, “General Comment No. 1 (2001) Article 29(1): The Aims of Education” (UN doc. CRC/GC/2001/1, 17 April 2001), [9].

⁴³ Article 3(1), UNFCCC: “The Parties should protect the climate system for the benefit of present and future generations of humankind”.

⁴⁴ Rights of states *are* referred to in the UNFCCC. See, for example, preambular paragraph 8 on “the sovereign right [of states] to exploit their own resources pursuant to their own environmental and developmental policies; and art. 3(4) stipulating that states parties to the UNFCCC “have a right to, and should, promote sustainable development”. The only indirect exception to this picture is UNFCCC article 6(a)(ii) and (iii) which refer to the state obligation to promote and facilitate “public participation in addressing climate change and its effects and developing adequate responses” and “public access to information on climate change and its effects”. On this matter see also Sanz-Caballero, above n 13, 8.

⁴⁵ Status on 12 May 2017, as in UN Treaty Collection, above n. 19: 195 signatories and 145 states parties including China and the USA. The latter might withdraw in the near future due to the new policy directions of the Trump Administration.

[W]hen taking action to address climate change, [states parties should] respect, promote and consider their respective obligations on *human rights, the right to health*, the rights of indigenous peoples, local communities, migrants, *children*, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and *intergenerational equity*.⁴⁶

However, this explicit commitment is not returned to, and therefore also not further concretised, in the subsequent text of the Paris Agreement. Thus, the latter gives a rather weak follow-up to the growing recognition of the significance of the human rights dimensions of climate change and of the specific relevance of climate change action for children.⁴⁷

The final element of the normative framework that requires attention here is the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals (SDGs).⁴⁸ The text of the SDG document contains no less than 26 references to climate change and 66 relevant references to terms such as child, children, youth, young, girl, boy and age. The term ‘right’ appears in total 6 times in Agenda 2030, but the terms ‘child right’ or ‘children’s right’ do not appear at all.⁴⁹ The Convention on the Rights of the Child is mentioned once, in a paragraph addressing the conditions for “a dynamic and well-functioning business sector”.⁵⁰ While rights discourse as such is hardly present in the SDGs and the associated targets, many important substantive elements of the UNCRC’s child rights agenda are nevertheless present. It is especially important that Agenda 2030 sees children and young women and men as

⁴⁶ Preambular paragraph 11 (emphasis added).

⁴⁷ See, for example, the work of the UN Human Rights Council through <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCClimateChangeIndex.aspx>; the report of the 2010 Cancun Conference of the Parties to the UNFCCC (UN doc. FCCC/CP/2010/7/Add.1, 15 March 2011), especially the last preambular paragraph, paragraphs 8 and 77, Appendix I (2)(c) and footnote 1; and see for example Knox, above note 5 and UNEP, above n 3.

⁴⁸ UN General Assembly, “Transforming Our World: The 2030 Agenda for Sustainable Development” (UN Doc. A/RES/70/1, 21 October 2015). While this document is a General Assembly Resolution and thus a set of recommendations rather than strictly binding “hard” law, there is enormous political momentum and support behind the SDGs. Their predecessors, the MDGs, have already shown that as such this kind of “soft” law commitments can have substantial impact on priorities and implementation practice. Thus it is relevant to include the SDGs here, alongside human rights and climate change treaties.

⁴⁹ See *ibid.*, [7] (on the human right to safe drinking water), [10] and [35] (on the right to development), [29] (on the right of migrants to return to their country of citizenship), [35] (on the right to self-determination of peoples living under colonial and foreign occupation); and a related notion in target 3b (on the right of developing countries to use to the full the provisions in the Agreement on Trade-Related Aspects of Intellectual Property Rights regarding flexibilities to protect public health, and, in particular, provide access to medicines for all).

⁵⁰ *Ibid.*, [67].

“critical agents of change” who “will find in the new Goals a platform to channel their infinite capacities for activism into the creation of a better world”.⁵¹

The climate change SDG, Goal 13, specifically underlines the urgency of climate change action. In Target 13(b) the General Assembly draws attention to the need to promote “capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on ... youth”. In addition, Agenda 2030 calls for “the widest possible international cooperation” in relation to climate change.⁵² Other, more specific targets are included in Agenda 2030 in relation to: building resilience and reducing the exposure and vulnerability of poor and vulnerable people “to climate-related extreme events and other economic, social and environmental shocks and disasters”; ensuring “sustainable food production systems and ... agricultural practices that ... strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters”; and “substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards ... mitigation and adaptation to climate change, [and] resilience to disasters”.⁵³

All in all, and especially in combination, the legal instruments analysed above provide a strong basis for arguing that climate change action is mandatory and should where appropriate be child rights-based. Obviously this has implications for the state and civil society actors that are bound by and/or support the UNCRC, the UNFCCC, the Paris Agreement and/or the Sustainable Development Goals. Some of these implications will be discussed in the next section of this chapter.

Children’s Rights and Climate Change: A Perspective on Practice

Within the constraints of a short book chapter, this section can only provide a small glimpse of the current practice in developing and implementing child rights-based approaches to climate change. Keeping in mind that such child-rights based approaches are inherently deeply specific and sensitive to the context in

⁵¹ Ibid., [51]. Besides in the UNCRC, article 6 of the UNFCCC and Agenda 2030, the need for child and youth participation is also recognised in the Sendai Framework for Disaster Reduction according to which governments should engage with children and other stakeholders, since “[c]hildren and youth are agents of change and should be given the space and modalities to contribute to disaster risk reduction, in accordance with legislation, national practice and educational curricula”. See, Third UN World Conference on Disaster Risk Reduction, “Sendai Framework for Disaster Risk Reduction 2015-2030” (Sendai City (Japan): United Nations, 2015), [36(a)(ii)] and [7].

⁵² Ibid., [31].

⁵³ Respectively in targets 1.5 and 2.4 which both are to be realised by 2030, and target 11(b) which is to be realised by 2020.

which they are developed and applied, there are also common features and challenges that are worthwhile reflecting upon.

First of all, our knowledge-base on the specific impact of climate change on children is still relatively thin. Child rights-based approaches typically should start from, and should be backed up throughout, by data and a clear evidence-base. This applies in the first place to information about the specific problem, in a specific locality and for children at large as well as for specific groups of children (girls, or boys, children with disabilities, poor children, urban or rural children and so on), so that a proper situation analysis can be made.⁵⁴ In general terms, the availability of disaggregated data is one of the weakest elements in the performance record of many states parties to the UNCRC, as the annually published KidsRights Index has clearly revealed.⁵⁵ Obviously this is not different at all for the subject of climate change, which is a relative newcomer for these purposes. While UNICEF has played an important role in bringing together existing research findings on climate change and children,⁵⁶ there still is an immense need for more specific data, including more country level and local level, on what climate change does to children's lives, how children cope or fail to cope, and how their problems – both short-term and long-term – could be addressed. Participation of children and considering children's voices and inputs is crucial in these processes. There certainly are examples of quality efforts to involve children actively in problematising and addressing climate change,⁵⁷ but obviously these have to become more widespread and systematically applied.

⁵⁴ Save the Children UK, *Getting it Right for Children: A Practitioners' Guide to Child Rights Programming* (London: International Save the Children Alliance, 2007), especially 21-39 on child rights situation analysis.

⁵⁵ See <http://www.kidsrightsindex.org/>. For this particular aspect, concerning data, the KidsRights Index is based on the assessment of an individual's country's performance on data gathering, handling, analysis and dissemination by the UNCRC Committee, as published in its country-specific Concluding Observations.

⁵⁶ See for example above n 12, 15 and 16 [and UNICEF, "*Climate Change and Children* (New York: UNICEF, 2007); UNICEF, "*Climate Change and Children: A Human Security Challenge – Policy Review Paper* (Florence: UNICEF Innocenti Research Centre, 2008); and UNICEF UK, *Our Climate, Our Children, Our Responsibility: The Implications of Climate Change for the World's Children* (London: UNICEF UK, 2008).

⁵⁷ See for example Holistic Development India, *Indian Rural Children Speak on the Impact of Climate Change* (Pune: Holistic Child Development India, 2009); D Gautam and K Oswald, "Child Voices: Children of Nepal Speak Out on Climate Change Adaptation" (2008), http://www.childreninachangingclimate.org/uploads/6/3/1/1/63116409/child_voices_np.pdf; UNFPA, "At the Frontier: Young People and Climate Change", Youth Supplement to UNFPAs State of the World's Population 2009 (New York: UNFPA, 2009); Children in a Changing Climate, *A Right to Participate: Securing Children's Role in Climate Change Adaptation* (Brighton: Institute of Development Studies/Children in a Changing Climate, 2011); United Nations Joint Framework Initiative on Children, Youth and Climate Change, *Youth In Action on Climate Change: Inspirations from Around the World* (Bonn: United Nations Joint Framework Initiative on Children, Youth and Climate Change/United Nations Framework Convention on Climate Change Secretariat, 2013).

At the level of multilateral human rights and environmental diplomacy, on the whole, children are still involved marginally at best. The UNCRC Committee has a major role in monitoring state performance in realising the Convention, most directly through the regular state reporting procedure. In this procedure governments report about their activities and the children's rights situation in their countries, civil society actors engage with the process by providing additional or alternative information, and the UNCRC Committee comes up with an overall assessment in the form of Concluding Observations (COs). However, as the UNCRC hardly contains environmental provisions, so far environmental concerns have come up relatively infrequently. Reflecting on its practice in this respect in general terms, the CRC Committee noted in 2016, in relation to children's rights and the environment that:

Although children bear the brunt of growing environmental problems, the impact on their lives is rarely addressed as a rights issue. The relationship between children's rights and the environment is still less well-known than it should be. Those concerned with children's rights and those concerned with environmental protection often focus on one to the exclusion of the other. States scarcely address environmental issues in their periodic reports to the CRC, which regularly urges them to collect and submit more information on the matter.⁵⁸

In light of the material presented earlier in this chapter, on both the factual impact of climate change on children and the normative framework in place, it is indeed striking that so far climate change has come up so infrequently in recent UNCRC Concluding Observations. Of the 24 sets of COs that were adopted in 2015, only four explicitly mention climate change. These concern Chile, Jamaica, Mauritius and Turkmenistan. The 2015 Concluding Observations on Chile, under the general heading "children's rights and the environment", have recommended that the government of Chile increase "children's awareness and preparedness for climate change and natural disasters by incorporating the topic into the school curriculum and teachers' training programmes".⁵⁹ In a specifically designated section on the "Impact of climate change on the rights of the child", the 2015 COs on Jamaica noted "as positive the fact that the State party has established guidelines for child-friendly disaster management and response". However, the UNCRC Committee also expressed concern about "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" and about the potential of natural disasters "to undermine the social safety net of the State party, with negative consequences for children and families exposed to poverty". The CRC Committee then recommended that Jamaica

⁵⁸ UNCRC Committee, "Concept Note Day of General Discussion: Children's Rights and the Environment" <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/OutlineDGD2016.docx>, [12].

⁵⁹ (UN Doc. CRC/C/CHL/CO/4-5, 30 October 2015), [64(b)].

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.⁶⁰

Also in a designated section entitled “Impact of climate change on the rights of the child”, the 2015 COs on Mauritius expressed

concern that policies and programmes addressing climate change and disaster risk management, such as in the case of cyclones, do not address the special vulnerabilities and needs of children, and that data available to formulate policies do not identify the types of risk faced by children.⁶¹

This was followed up with concrete recommendations for action on these matters. While the 2015 COs on Turkmenistan also contain a section devoted to the impact of climate change on the rights of the child, in fact the text of this section seems to deal with broader issues of child morbidity and environmental pollution. Beyond the title of the section, otherwise climate change is not referred to at all.⁶²

Of the twenty-seven sets of Concluding Observations that were adopted in 2016, only seven explicitly addressed climate change aspects. The 2016 COs on New Zealand, Samoa, Haiti and Suriname all contain a separate section on the “Impact of climate change on the rights of the child”. In relation to New Zealand, the Committee expressed its concern “about the harmful impact of climate change on children’s health, especially for Maori and Pasifika children and children living in low-income settings”. While referring to SDG target 13.5, which addresses “mechanisms for raising capacity for effective climate change-related planning and management”, the Committee recommended that New Zealand:

- (a) Ensure that the special vulnerabilities and needs of children, and their views, are taken into account in developing policies or programmes addressing the issues of climate change and disaster risk management, with special attention to groups of children most likely to be affected by climate change, including Maori and Pasifika children and children living in low-income settings;
- (b) Routinely undertake health impact assessments, with particular attention to children, to inform legislation and policies related to climate change.⁶³

In relation to Samoa, the UNCRC Committee observed that “more could be done to take into account the special needs of children, including children with disabilities,

⁶⁰ (UN Doc. CRC/C//JAM/CO/3-4, 10 March 2015), [50] and [51].

⁶¹ (UN Doc. CRC/C/MUS/CO/3-5, 27 February 2015), [57].

⁶² (UN Doc. CRC/C/TKM/CO/2-4, 10 March 2015), [50]-[51].

⁶³ (UN Doc. CRC/C/NZL/CO/5, 21 October 2016), [34].

when planning disaster risk reduction preparedness, response and recovery programmes”. It also specified an elaborate set of concrete suggestions among others on taking into account children’s views, increasing children’s awareness of and preparedness for climate change and natural disasters, and disaggregated data collection.⁶⁴ In relation to Haiti, the UNCRC Committee expressed concern “about the significant increase in frequency and intensity of hurricanes and tropical storms, leading to flooding and erosion, as a result of climate change”.⁶⁵ The specific recommendations refer to the need to take into account special vulnerabilities and the views of children, discontinue deforestation, increase children’s awareness and preparedness for climate change and natural disasters, and collect disaggregated data on types of risk faced by children.⁶⁶ Concerning Suriname, the Committee did not provide any assessment of the current situation but straight away presented recommendations for climate change action in the form of developing “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” and 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 strengthening “its social safety nets and social protection framework so as to more effectively mitigate the multiple social, economic and environmental impacts of climate change”.⁶⁷

Three other COs adopted by the CRC Committee in 2016 refer to climate change aspects in other, non-specifically designated, sections. The COs on Kenya contain two references to climate change in the section “Standard of living”, amidst a whole lot of different topics. The first one is a reference to the fact that the “negative impact of climate change, combined with population growth and unsustainable development projects, is adding further pressure on children’s access to water and sanitation and on their food and nutrition security in arid and semi-arid lands”.⁶⁸ The second reference relates to policies and programmes to address climate change and disaster risk management which, according to the Committee, should “integrate measures to protect children’s rights to housing, sanitation, food, water and health and ensure the full and meaningful participation of communities at risk, including children, at both the national and the county levels”.⁶⁹ About South Africa, the Committee observed that child food insecurity is among other things caused by climate change.⁷⁰ The 2016 COs on the United Kingdom,

⁶⁴ (UN Doc. CRC/C/WSM/CO/2-4*, reissued for technical reasons on 13 July 2016), [48] and [49].

⁶⁵ (UN Doc. CRC/C/HTI/CO/2-3, 24 February 2016), [54].

⁶⁶ *Ibid.*, [55].

⁶⁷ (UN Doc. CRC/C/SUR/CO/3-4, 9 November 2016), [32].

⁶⁸ (UN Doc. CRC/C/KEN/CO/3-5, 21 March 2016), [55(e)].

⁶⁹ *Ibid.*, [56(f)].

⁷⁰ (UN Doc. CRC/C/ZAF/CO/2, 27 October 2016), [53(b)].

in a section entitled “Environmental Health”, called on the UK government to 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”.⁷¹

On the other hand, the COs on Benin, Brunei, Bulgaria, France, Gabon, Iran, Ireland, Latvia, the Maldives, Nauru, Oman, Pakistan, Peru, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Nepal, Zambia and Zimbabwe contain no references to climate change at all. It might be useful for the UNCRC Committee to consider, in the future, to standardise its approach to raising environmental matters somewhat more systematically in the state reporting process, with climate change prominently included.

The latter might anyway be part of the likely outcome of the ‘Day of General Discussion’ (DGD) on the theme “Children’s Rights and the Environment” that the UNCRC Committee held at the end of September 2016. The impact of climate change, at present and in the future, featured prominently in the Concept Note for this DGD.⁷² About half of the 48 organisations that submitted written submissions in the run-up to the DGD addressed climate change, next to other issues, or exclusively.⁷³

According to UNICEF, at present “climate-impact assessments and policies are generally developed without paying any attention to child-rights issues – and the unique risks to children and the specific responses that they require remain overlooked.”⁷⁴ Certainly in global climate change deliberations, attention for the specific impact on children, attention for the role of children in tackling climate change, and children’s formal participation have been rather limited. If children participated at all, it was so far largely in side-events, and in small numbers⁷⁵ rather than as participants in the mainstream decision-making process. The risk of tokenism thus is substantial.⁷⁶ The 2014 UNICEF report “The Challenges of Climate Change: Children on the Front Line” provides various examples of incomplete, faulty or lacking child participation in the meetings of the Conference of the Parties (COP) of the UNFCCC:

⁷¹ (UN Doc. CRC/C/GBR/CO/5, 12 July 2016), [69(b)].

⁷² See above n 58. For specific remarks on climate change, see [6] and [11].

⁷³ See <http://www.ohchr.org/EN/HRBodies/CRC/Pages/WSDiscussion2016.aspx> for the complete list.

⁷⁴ UNICEF, above n 12, 3.

⁷⁵ This is the case despite the existence of initiatives such as the UN Joint Framework Initiative on Children, Youth and Climate Change, https://infccc.int/cc_inet/cc_inet/youth_portal/items/61519.php and YOUNGO (UNFCCC observer constituency of youth non-governmental organisations), https://unfccc.int/cc_inet/cc_inet/youth_portal/items/6795.php. See Plan UK, *Global Warning: Children’s Right to be Heard in Global Climate Change Negotiations* (London: Plan UK, 2009) 10; E Back, C Cameron and T Tanner, *Children and Disaster Risk Reduction: Taking Stock and Moving Forward* (Brighton: Institute of Development Studies, November 2009) 7; and Gibbons, above n 14 respectively at 23 and 24-25. Gibbons usefully observed that in this respect children are no exception to “other marginalized groups disproportionately affected by climate change. Indigenous people, minority groups, people with disabilities, and the poor have not been granted a voice either” (ibid., 25).

⁷⁶ Back et al, ibid., 21-22.

At COP 17 in Durban, South African and Indonesian child and youth delegates gave cultural performances, interacted with delegates and exhibitors, and were interviewed by Climate Change TV. A special session was also arranged at the Indonesian Pavilion for the children to speak. Unfortunately, however, at COP 18 in Doha last year children were not accredited to attend the talks apart from in exceptional cases or on the dedicated Young and Future Generations Day. Ironically, one side-event that the children could not attend owing to the age restriction was ‘A Child-centred Approach to Climate-change Adaptation: Opportunities and Challenges’. This was organized by the Children in a Changing Climate Coalition comprising Plan International, Save the Children, World Vision and UNICEF.⁷⁷

Like anywhere else, in global environmental diplomacy too, child participation requires a clear support and facilitation structure and straightforward objectives in order to be (come) meaningful for all concerned, and the process of child participation is equally important as its outcome is. The UNCRC General Comment on participation presents useful guidelines in this respect, including five steps required for meaningful participation. These steps are: preparation (information about the choices at stake and the form of proceedings involved); hearing the child(ren); assessment of the capacity of the child; feedback about the outcome or the impact of the child’s view on the decision; and at the end of the process a formal possibility of complaints, remedies and redress. According to the UNCRC Committee, meaningful participation requires the process to be: transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk, and accountable.⁷⁸

At the national and local level, many more positive examples can be found of approaching climate change issues in a child-focused and at times even in a child-led manner.⁷⁹ UNICEF UK has self-reported some interesting examples of such climate change interventions, for example in Vietnam and Zambia. The work in Vietnam focused on increasing the recognition of children’s needs, experiences and perspectives in relation to climate change among decision makers and on enhancing children’s participation in “critical national level policy and legal reforms”.⁸⁰

⁷⁷ UNICEF, above n 12, 69. At COP 10 (2010), in Copenhagen, a Children’s Climate Forum was organised in the week running up to the COP. 164 participants between 14 and 17 years of age from 44 countries met and compiled a declaration which was presented to the President of the COP. (http://www.unicef.org/infobycountry/denmark_52005.html).

⁷⁸ Plan UK, above n 75, 7; Back et al, above n 75, 21-22.

⁷⁹ According to UNICEF, above n 12: “[c]hild-focused or child-centred approaches to adaptation fall into two categories: Programmes that focus specifically on children’s needs, referred to here as child-targeted policy and programming; and programmes that involve children in the design and delivery, referred to as ‘child-led’ adaptation” (33).

⁸⁰ UNICEF UK, “Children and the Changing Climate: Taking Action to Save Lives” (2015), https://353ld710iigr2n4po7k4kgvv-wpengine.netdna-ssl.com/wp-content/uploads/2014/10/Unicef_2015childrenandclimatechange_fin.pdf, 31. It is indeed interesting that article 4(2) of Vietnam’s 2014 Law on Environmental Protection specifies that “[e]nvironmental protection must harmonize with the economic growth, social security, *assurance about the children’s right, promotion of gender equality*, development and conservation of biodiversity, *response to climate changes, in order to ensure the human right to live in a pure environment*” (emphasis added). See National Assembly of the Socialist Republic of Vietnam, No. 55/2014/QH13 (Hanoi, 23 June 2014),

According to UNICEF UK, this work was successful and resulted in “the incorporation of a child rights approach in ... Vietnam’s new national Law on Environmental Protection, approved in 2014”.⁸¹ The work in Zambia concentrated on child-led advocacy; peer-to-peer outreach activities; children engaging with government officials, MPs and traditional leaders; and implementing low-cost community projects on climate change.⁸²

The child-focused development NGO Plan UK has also testified to the great potential of child participation in climate change affairs and interventions. Reportedly, in many of the countries in which Plan works, the organisation “has witnessed how children can effectively challenge adults to better address climate change adaptation at the local level”.⁸³ These experiences have shown that “children’s capacity can exceed the expectation of all involved” and that they may have certain important skills (e.g. to locate information on the internet or to use social media) more than adults do.⁸⁴ Thus, they can play a key role in protecting themselves and their communities against some of the adverse effects of climate change, they can influence the actions of others and they can seek to transform their environment by tackling the root causes of the problem.⁸⁵ However, this will only work to the maximum extent possible if children get the space to make direct inputs into the ‘real’ decision-making processes.

The “Children in a Changing Climate” initiative has also suggested that children must and are able to play a role in various levels of action concerning climate change, respectively in: narrowing the current knowledge gap (for example by gathering data on the impact of climate change on children and on appropriate adaptation strategies for children in diverse situations and locations); informing and influencing relevant other actors; learning and adapting so as to protect themselves; and implementing climate change interventions.⁸⁶

http://www.ilo.org/dyn/legosh/en/f?p=14100:503:1898192772154::NO:503:P503_REFERENCE_FILE_ID:172934:NO.

⁸¹ Id.

⁸² UNICEF UK, *ibid.*, 34.

⁸³ Plan UK, *Global Warning: Children’s Right to be Heard in Global Climate Change Negotiations* (London: Plan UK, 2009), 8.

⁸⁴ *Ibid.*, 8-9.

⁸⁵ This useful typology has been suggested by E Back, C Cameron and T Tanner, in *Children and Disaster Risk Reduction: Taking Stock and Moving Forward* (Brighton: Institute of Development Studies, November 2009), 25.

⁸⁶ Children in a Changing Climate is “a global initiative spanning research, action, advocacy and learning with the purpose of securing children’s influence on tackling climate change at every scale”. The participants at the time included Actionaid, Institute of Development Studies, UK National Children’s Bureau, Plan International and Save the Children. Some of these organisations dropped out of the initiative later and others joined, such that at present ChildFund Alliance, Plan International, Save the Children, UNICEF and World Vision are involved (see <http://www.childreninachangingclimate.org>). See also their “A Right to Participate: Securing Children’s Role in Climate Change Adaptation” (2009), http://www.childreninachangingclimate.org/uploads/6/3/1/1/63116409/ccc_righttoparticipate_2009.pdf, 1 (for the characterisation of the participatory roles of children referred to in the main text above) and 18 (for an explanation of the purpose of the initiative and the organisations involved).

A Child Rights-Based Approach to Climate Change: Concluding Remarks

Now that the particular effects of climate change on children are starting to become more and more documented, and a normative framework prescribing a child rights approach to climate change has emerged, it is high time to step up practice further. Building a stronger evidence base on the matter, in the form of fact-finding, generating and analysing disaggregated data, impact assessment of policies and other concrete interventions, would be greatly helpful in this regard. Equipping states with the required capacity is crucial. According to a 2016 report of the World Meteorological Organization, at present “[s]ome 70 countries around the world do not have the capabilities they need to generate and apply climate information and forecasts with the required timeliness and quality of services.”⁸⁷ In light of all of the above, this is clearly unacceptable and has to be redressed. Other keys towards better quality climate change interventions in the future are: the dissemination of pertinent information among relevant constituencies (such as policy makers, local communities or children), awareness-raising and education. This would help to address the situation that 13 year old Adeline Tiffanie Suwana (member of the Indonesian child and youth delegation to a UNFCCC COP) sketched so aptly on the basis of her observations during school visits in the suburbs of Jakarta, but that at present is a common state of play across the globe, and for children and adults alike. In 2012 Adeline wrote about her extreme surprise

that the vast majority of children did not have a clue what climate change is. Most students could learn about it by listening to the news or browsing the internet, but most elementary students or even junior high school students, especially in the outskirt districts, do not have access to both, resulting in their not knowing the term climate change, let alone what it means.⁸⁸

Additional keys towards better quality climate change practice relate to allowing inclusive participation in decision-making, and seeking and providing legal and practical remedies for climate change harm done. In this way only, true child rights-based practices in relation to climate change would come about.

⁸⁷ WMO Statement, above n 1, 3.

⁸⁸ UNICEF, above n 12, 71.