

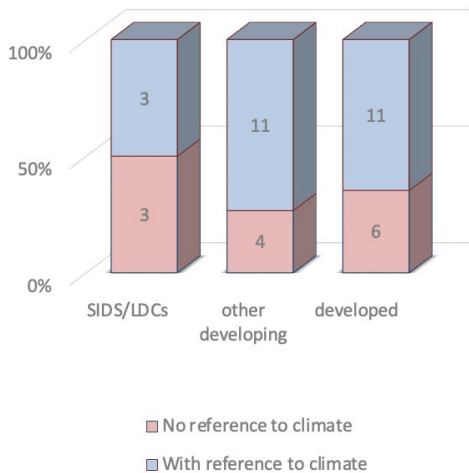
# Committee on the Rights of the Child (CRC)



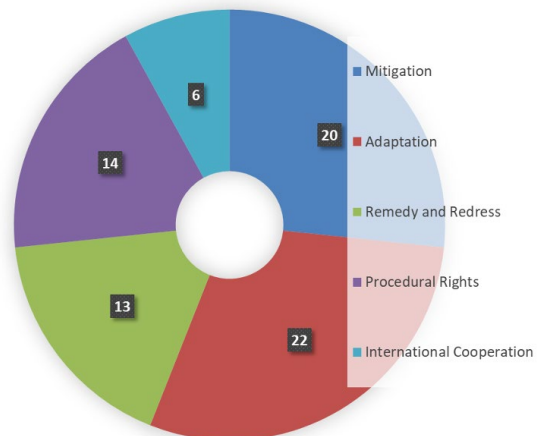
© Alan Greig, Flickr - CC BY-NC-SA 2.0

This note reviews the outputs of the CRC related to climate change in 2023 and complements our previous notes dedicated to such outputs up to 2022.

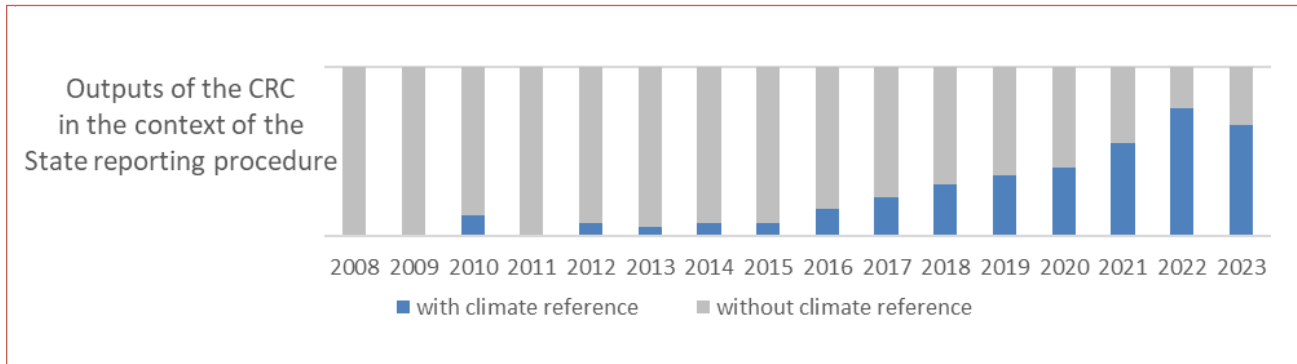
Outputs of the CRC in 2023,  
by country category



Themes addressed by the CRC in the State  
review procedure in 2023



The Committee on the Rights of the Child (CRC) has maintained its sustained efforts to address the impacts of climate change on children's rights. The Committee has done so increasingly over the years through its State reporting procedure, General Comments (GC), and thematic work. Last year, its work touched on various climate-related issues. In particular, the Committee included "extreme climate-related crisis" among the main challenges to the realization of children's rights and the main causes of the "increasing failure to uphold... human rights law obligations around the world."



In 2023, the CRC referred to climate change in twenty-five State review procedures — in Concluding Observations (COBs), Lists of Issues (LOIs), or Lists of Issues Prior to Reporting (LOIPRs) — out of a total of forty-two outputs. In line with its work from previous years, the CRC addressed climate change in reviews of developed States more frequently than in reviews of Small Islands Developing States (SIDS), Least Developed Countries (LDCs), and other developing countries.

The Committee gave great weight to the existence of normative frameworks to tackle climate change when reviewing each country's compliance with the Convention. In that sense, it commended States for ratifying international treaties such as the Paris Agreement (e.g., COBs to Bolivia and Finland) and national laws to fight climate change (e.g., COBs to Sweden and Finland). The CRC inquired States on their legislative frameworks and measures pertaining to climate change (e.g., LOIs/LOIPRs to Argentina, Dominican Republic, Spain, Kyrgyzstan, Senegal, Liechtenstein, and Egypt) and also called on States to better regulate at the domestic level issues related to the environment and climate change (e.g., COBs to Turkiye, Kyrgyzstan, Dominican Republic, Liechtenstein, and the UK).

As in previous years, the Committee continued to give great weight to issues related to adaptation. The Committee was particularly concerned about the participation and empowerment of children in climate change policymaking and initiatives (fourteen references) and children's awareness of climate change (twelve references). The Committee further noted the importance of climate activism and called on the UK in its COB to guarantee the right to freedom of association and peaceful assembly. The CRC also focused on the specific vulnerability to climate change of groups of children, such as the Sami (COB to Finland) and the Māori and Pasifika (COB to New Zealand).

The Committee valued the assessment of the effects of climate change as an important tool to identify specific needs and impacts that children may have. For instance, it recommended that Sao Tomé and Príncipe “[c]onduct an assessment of the effects of climate change and environmental degradation on children’s health and, on that basis, design and implement, with the participation of children, a well-resourced strategy to remedy the situation with measures to address priority concerns, especially with regard to water, air and soil pollution.”

The Committee continued to pay attention to States’ obligations to mitigate climate change. In 2023, mitigation was raised in twenty outputs. In its COB to Azerbaijan, the Committee called on the State to “[h]armonize its current climate mitigation policy with its obligation to protect the rights of children” and “[c]onsider the impact of climate change on the rights of the child in its energy policy, including in relation to fossil fuel extraction and fossil fuel subsidies.” Furthermore, in its LOIPR to Norway, the Committee required the State to explain the measures taken to “[r]educe greenhouse gas emissions in line with its international commitments and consider the impact of climate change on the rights of the child in its energy policy.”

The Committee continued to devote attention to private actors’ contribution to environmental harm, often also in relation to fossil fuel production (nine references). In its COB to Finland, the Committee recommended that the State party “[e]nact national corporate responsibility legislation for business enterprises and their subsidiaries operating in or managed from the State party’s territory to identify, prevent, mitigate and account for activities that negatively affect human rights or endanger children’s rights, including risks posed by global warming.” In its COB to Sweden, the Committee asked the State to “[e]stablish a clear regulatory framework for business enterprises and their subsidiaries operating in or managed from the State party’s territory to identify, prevent, mitigate and account for activities that negatively affect human rights or endanger children’s rights, including risks posed by fossil fuel production.”

Four COBs and two LOIs/LOIPRs addressed the issue of extraterritorial obligations (ETOs). In its COB to the UK, the Committee recommended that the State party “[t]ake legislative and other measures to uphold its extraterritorial obligations concerning impacts on the environment, including in the context of international cooperation.” In its COB to Azerbaijan, the Committee asked the State to “[h]armonize its current climate mitigation policy with its obligation to protect the rights of children, in particular the rights to health, food and an adequate standard of living, both in Azerbaijan and abroad.” Furthermore, in the LOIPR to Norway, the Committee required the State to explain the measures taken to “[i]nvest in alternative energy and establish safeguards to protect children, both in the State party and abroad, from the negative impacts of fossil fuels.”

Four outputs mentioned fossil fuels explicitly. In the LOIPR to Bulgaria, the Committee required the State party to inform on measures taken to “[e]nsure that greenhouse gas emission targets and deadlines are compliant with the international commitments set forth in the Paris Agreement, to phase out the use of fossil fuels and to accelerate the transition to renewable energy.”

The Committee also released its [General Comment No. 26 \(2023\) on children's rights and the environment with a special focus on climate change](#). In this GC, the CRC stressed the pressing need for climate action and how the triple planetary crisis threatens children's rights. In that sense, the CRC indicated that tackling the climate crisis is key to the fulfillment of children's human rights. At the same time, it noted that the focus of the GC is the climate crisis; however, its application is possible to other environmental concerns.

The GC highlighted the responsibility of States under the Convention to address environmental degradation and climate change. In that sense, the CRC emphasized that “[a] clean, healthy and sustainable environment is both a human right itself and necessary for the full enjoyment of a broad range of children's rights.”

Additionally, in the introductory sections, the GC touched on the principle of intergenerational equity and the interests of future generations. In this regard, the Committee called on States to consider foreseeable environment-related threats that may have implications in the future. Here, the CRC stressed that the duties of States encompass the interests of future generations.

In its second section, pertaining to specific rights under the Convention, the CRC evaluated how certain provisions in the Convention relate to the environment. Here, the GC addressed issues related to the right to non-discrimination (Article 2), the best interest of the child (Article 3), the right to life, survival and development, the right to be heard (Article 12), freedom of expression, association and peaceful assembly (Articles 13 and 15), access to information (arts. 13 and 17), the right to freedom from all forms of violence (Article 19), the right to the highest attainable standard of health (Article 24), the right to social security and adequate standard of living (Articles 26 and 27), the right to education (Articles 28 and 29 (1) (e)), the rights of Indigenous children and children belonging to minority groups (Article 30), and the right to rest, play, leisure and recreation (Article 31). For each of these rights, the Committee analyzed their interplay with climate change. In each case, the Committee evaluated how these are connected, either because the rights are particularly threatened by climate change or because these play an instrumental role in the environment's protection.

In the third section of the GC, the CRC assessed the scope of the right to a clean, healthy, and sustainable environment. The Committee indicated that this is “implicit in the Convention and directly linked to, in particular, the rights to life, survival, and development, under article 6, to the highest attainable standard of health, including taking into consideration the dangers and risks of environmental pollution, under article 24, to an adequate standard of living, under article 27, and to education, under article 28, including the development of respect for the natural environment, under article 29.” The CRC also affirmed that the right to a clean, healthy, and sustainable environment encompasses vital elements such as clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments. Additionally, the CRC indicated a series of immediate steps States should take to realize this right: (i) improve air quality, (ii) ensure access to safe water and sanitation, (iii) transform agriculture and fisheries to produce healthy and sustainable food, (iv) phase out from fossil fuels and ensure a fair and just transition, (v) conserving biodiversity, (vi) prevent marine pollution and (vii) regulate toxic substances. Furthermore, the Committee weighted on the procedural elements of the right, such as access to information, participation in decision-making, and child-friendly justice systems, which are essential for empowering children. Moreover, the Committee urged States to incorporate children's environmental rights in their national legislation and integrate them in to all decisions and measures concerning children.

In the fourth section, the GC covered general measures of implementation incumbent upon States. The CRC went through the implications of the obligation to respect, protect, and fulfill; the requirement of conducting a child rights assessment; children’s rights and the business sector; access to justice and remedies; and international cooperation. Here, the Committee addressed the climate dimensions across all of these issues. In the section on access to justice and remedies, the CRC affirmed that States have “an obligation to establish non-judicial and judicial mechanisms to provide access to effective remedies for abuses of children’s rights by business enterprises, including as a result of their extraterritorial activities and operations.” In this sense, the CRC highlighted the importance of ensuring accountability and protection for children in relation to business activities.

The fifth and last section of the GC is devoted to climate change, where the Committee unpacked States’ obligations in more detail, including in relation to mitigation, adaptation, loss and damage, the regulation of business activities, and climate finance. In relation to mitigation, the Committee requested States to take urgent collective action to mitigate greenhouse gas emissions. Further, the CRC also emphasized the need for an “urgent increase in the design and implementation of child-sensitive, gender-responsive and disability-inclusive adaptation measures” that “should be targeted at reducing both the short-term and the long-term impacts” of climate change.