



## Submission to the UN Committee on the Rights of the Child

### In regard to the draft General Comment No. 26 (202x) on children's rights and the environment with a special focus on climate change

By the Commonwealth Human Rights Initiative and Commonwealth 8.7 Network members:  
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#### Introduction

The [Commonwealth Human Rights Initiative](#) (CHRI), [Defence for Children International Sierra Leone](#), [It's a Penalty](#) and Youth Child Support Initiative Nigeria welcome this opportunity to respond to a call for inputs from the UN Committee on the Rights of the Child to inform its upcoming general comment on children's rights and the environment.

This submission draws on pertinent international and regional standards, and is also informed by the contribution of members of the [Commonwealth 8.7 Network](#), a global network of over 70 civil society organisations with expertise on women's rights, child's rights, anti-trafficking, and environmental issues and united by a shared vision to eradicate contemporary forms of slavery.<sup>1</sup>

We appreciate the comprehensive framework and content of the general recommendation, which acknowledges the negative effects of environmental harm and climate change on children's rights. Our submission focuses on the importance of recognising the impact of environmental harm on Articles 19, 32 and 34 of the UN Convention on the Rights of the Child (UNCRC); ensuring that the right to be heard is adequately guaranteed; and the general obligation on States to protect, respect and promote children's rights with respect to climate change and environmental harms is recognised.

#### Observations in relation to specific paragraphs

##### **General Comment - Section III. Specific rights of the Convention as they relate to the environment.**

We encourage the inclusion of a section analysing specific rights guaranteed by the UN Convention on the Rights of the Child (UNCRC) that might be affected due to environmental issues. We recommend that

<sup>1</sup> See generally, <https://www.commonwealth-87.org/>.

the Committee also include a section clarifying the impact of environmental harm on Articles 19 (protection from all forms of violence, injury or abuse, maltreatment or exploitation), 32 (protection from economic exploitation) and 34 (protection from sexual exploitation and abuse).

As a result of environmental and climate change disasters, children are at heightened risk of violence, abuse, and exploitation, which includes injuries, child marriage, and physical, sexual, and psychological violence.<sup>2</sup> By increasing levels of poverty and inequality and by forcing the displacement of people, climate change is also a key driver of modern slavery.<sup>3</sup> The impact of climate change on modern slavery has been well documented,<sup>4</sup> including in the latest *Global Estimates of Modern Slavery* report which recognises that climate change increases the risk of child marriage.<sup>5</sup> Further, women and girls are exposed to a heightened risk of trafficking and exploitation in cases of climate-induced migration,<sup>6</sup> and risks of trafficking are exacerbated during natural disasters.<sup>7</sup> For example, intensifying drought in the Lake Chad basin has resulted in the significant migration of women and girls, some of whom have fallen

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<sup>2</sup> It's a Penalty (2022), *Common Protect. A review of the legal systems protecting children from sexual exploitation and abuse across the Commonwealth*, p. 316-319. Available at: <https://itsapenalty.org/wp-content/uploads/2022/05/CommonProtect-Full-Report.pdf>. Similarly, Office of the United Nations High Commissioner for Human Rights (OHCHR), *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, A/HRC/35/13, 4 May 2017, para. 11 and 19.

<sup>3</sup> Anti-Slavery International (2021), *Climate-induced migration and modern slavery*, p.14. Available at: [https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021\\_low\\_res.pdf](https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021_low_res.pdf). Similarly, Molinari, N. 'Intensifying Insecurities: The impact of climate change on vulnerability to human trafficking in the Indian Sundarbans', *Anti-Trafficking Review*, Issue 8, 2017, pp. 50–69. Available at: [www.antitraffickingreview.org](http://www.antitraffickingreview.org).

<sup>4</sup> For example, drought in Northern Ghana had forced people to migrate to cities, where many women started working as porters and were at risk of trafficking, sexual exploitation, as well as debt bondage. See International Institute for Environment and Development (IIED) and Anti-Slavery International (2021), *Climate-induced migration and modern slavery: a toolkit for policymakers*. Available at: <https://www.iied.org/20441g>. Similarly, see Anti-Slavery International (2021), *Climate-induced migration and modern slavery*, p.14. Available at: [https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021\\_low\\_res.pdf](https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021_low_res.pdf).

<sup>5</sup> International Labour Organisation, International Organisation for Migration and Walk Free (2022), *Global Estimates of Modern Slavery*, p. 61. Available at: [https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022\\_Report\\_EN\\_V8.pdf](https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022_Report_EN_V8.pdf).

<sup>6</sup> International Organisation for Migration (2016), *The Climate Change – Human Trafficking Nexus*, p.4. Available at: [https://publications.iom.int/system/files/pdf/mecc\\_infosheet\\_climate\\_change\\_nexus.pdf](https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf); Bharadwaj, R. et. al. (2021), 'Climate-induced migration and modern slavery', p. 8. Available at: <https://pubs.iied.org/sites/default/files/pdfs/2021-09/20441G.pdf>.

<sup>7</sup> CEDAW Committee, *General Recommendation No. 38 on trafficking in women and girls in the context of global migration*, UN Doc. CEDAW/C/GC/38, 20 November 2020, para. 33. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no38-2020-trafficking-women>.

victim to human trafficking, sexual exploitation and forced labour.<sup>8</sup> UNICEF also reports that women and girls are at increased risk of violence, exploitation and abuse during and after extreme weather events.<sup>9</sup> To counter these risks, it is important that States “*adopt differentiated measures to address all women in their various roles, to prevent and eradicate all forms of violence when exposed to natural disasters, such as floods, storms, avalanches, and landslides, caused by climate change*”.<sup>10</sup>

We recommend that the UN Committee on the Rights of the Child:

- Add a section addressing the impact of environmental harm on Articles 19, 32 and 34.
- Urge States to ensure that child protection systems are in place and function adequately, so that they continue to operate and work to protect children from violence during and after disasters, including those driven by environmental and climate change.
- Urge States to develop, implement and monitor domestic laws and regulations that enable children to live in safety and ensure that adequate funds are available during disasters.
- Urge States to ensure that child protection issues are included in laws, regulations and policies on disaster risk management, and that the children’s right to express their views about these developments is guaranteed in accordance with the UNCRC.
- Urge States to address the root causes and underlying vulnerabilities of climate-induced trafficking and exploitation, for example by empowering girls and ensuring they have equal access to economic, social, and cultural rights.
- Urge States to ensure that displacement during and after environmental disasters are safe, to reduce the risks of children falling victim to human trafficking and/or exploitation.

### **General Comment - Section I. The right of the child to be heard. Paragraph 56.**

We welcome the inclusion of a section in the General Comment on the right of the child to be heard. The right to participation of children and young people should be real, practical, and exercisable.<sup>11</sup> Article

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<sup>8</sup> See Mohanty, A., Robson, K., Nguening, S., Sampurna Nanda, S. (2021), ‘Climate change, conflict: What is fuelling the Lake Chad crisis’, *Down to Earth*, 23 February 2021. Available at:

<https://www.downtoearth.org.in/blog/climate-change/climate-change-conflict-what-is-fuelling-the-lake-chad-crisis-75639> and Plan International (2018), *Adolescent girls in crisis: voices from the lake Chad basin*, p. 6, 13 and 15.

Available at: [https://plan-international.es/files\\_informes/informes/lao\\_chad\\_doc\\_42.pdf](https://plan-international.es/files_informes/informes/lao_chad_doc_42.pdf).

<sup>9</sup> Pegram, J. and Colon, C. (2019), ‘Are climate change policies child-sensitive? A Guide for Action: Summary’, *UNICEF*. Available at:

<https://www.unicef.org/globalinsight/media/646/file/are-climate-change-policies-child-sensitive-2019.pdf>;

<sup>10</sup> Inter-American Commission on Human Rights (2021), *Climate Emergency. Scope of Inter-American Human Rights Obligations*, Resolution 3/2021, para. 19.

<sup>11</sup> Lundy, L., “‘Voice’ Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child”, *British Educational Research Journal*, Vol. 33, No. 6 (December 2007), pp. 927-942.

12(1) of the UNCRC makes it incumbent on State Parties to ensure not only children's right to be heard, but the right to have their views given due weight.<sup>12</sup>

The participation of children in disaster preparedness efforts is pivotal.<sup>13</sup> States must promote the inclusion and participation of children in making decisions about protecting environmental rights,<sup>14</sup> and decision-makers should incorporate their views and experiences when elaborating climate policies.<sup>15</sup> As the Office of the United Nations High Commissioner for Human Rights affirmed, a child-rights based approach requires that mitigation and adaptation actions *'are the product of participatory, evidence-based decision-making processes that take into account the ideas and best interests of children as expressed by children themselves.'*<sup>16</sup>

In this context, and to align this General Comment with Article 12 of the UNCRC, we recommend that the Committee on the Rights of the Child amend Paragraph 56 by:

- Replacing the word 'consider' with 'given due weight' in the sentence *'Children's views should be considered in the design and implementation of measures (...).'*
- Replacing the word 'consulting with children' with 'children's participation' in the sentence *'The digital environment has potential for consulting with children and expanding their capacity (...).'*
- Adding 'and given due weight' after 'heard regularly' in the sentence *'States should ensure that age-appropriate mechanisms are in place for children's views to be heard regularly (...).'*
- Replacing 'children should be provided with' with 'States must ensure children's right to' in the sentence *'For voluntary, respectful and transparent participation, children should be provided with environmental and human rights education (...).'*
- Replacing 'should' with 'have the right to' in the sentence *'They should receive information about outcomes (...).'*

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<sup>12</sup> Lundy, L., *supra* found *'a lack of compliance with Article 12 of the UNCRC (children's right to have their views given due weight) as one of the cross-cutting issues affecting children in all aspects of their lives'* and that *'Children and young people consistently reported frustration that their views were not being listened to and taken seriously.'*

<sup>13</sup> It's a Penalty (2022), *Common Protect. A review of the legal systems protecting children from sexual exploitation and abuse across the Commonwealth*, p. 319. Available at: <https://itsapenalty.org/wp-content/uploads/2022/05/CommonProtect-Full-Report.pdf>.

<sup>14</sup> Inter-American Commission on Human Rights (2021), *Climate Emergency. Scope of Inter-American Human Rights Obligations*, Resolution 3/2021, para. 29.

<sup>15</sup> United Nations Children's Fund, *Summary Edition - The climate crisis is a child rights crisis*, p. 24. Available at: [https://www.unicef.org/media/105531/file/UNICEF\\_climate%20crisis\\_child\\_rights\\_crisis-summary.pdf](https://www.unicef.org/media/105531/file/UNICEF_climate%20crisis_child_rights_crisis-summary.pdf).

<sup>16</sup> Office of the United Nations Commissioner for Human Rights, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, A/HRC/35/13, 4 May 2017, para. 54.

## **General Comment - Section V. General Obligations of States**

We fully support the inclusion of a section detailing the general obligations of States to ensure a clean, healthy and sustainable environment. As recently recognised by the UN General Assembly, States must *'respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the human rights of all, as recognized in different international instruments.'*<sup>17</sup> For example, States should plan relocations before they are needed, conduct risk mapping and settlement planning, and allocate sufficient funds for these purposes.<sup>18</sup> More specifically, States must ensure that children's rights are not threatened by the impacts of climate change,<sup>19</sup> and they must protect them from environmental harms.<sup>20</sup>

In order to ensure that States comply with their obligations to respect, protect and fulfil children's rights in situations of climate change and environmental harm, we recommend that the Committee on the Rights of the Child:

- Add the following paragraph after paragraph 75:  
*'States should take proactive measures to map out disaster prone areas, particularly around cities, and prevent families from settling there. States should also ensure that human settlements that often face disasters, such as floods, should be improved or relocated in accordance with the guidelines of UN Habitat. Human settlements that cause serious environmental problems for other settlements should also be addressed'.*
- Add the following sentence to the end of paragraph 79:  
*'States should establish and allocate sufficient resources to institutions for environmental and disaster management, ensuring that they reflect child-friendly, gender-sensitive, and family-welfare centred principles and approaches'.*
- After paragraph 81, add the following as paragraphs 82 and 83:  
*'States should take urgent measures to address current life-threatening environmental problems that particularly put children at risk. This requires States to map out existing environmental challenges such as disaster-prone human settlements and develop actionable plans to address these'.*  
*'States should be transparent with citizens about agreements signed by investors in relation to the use of natural resources and the exploitation of the environment, and must prioritise the implementation of recommendations of environmental and child rights impact assessments conducted in relation to the particular project'.*

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<sup>17</sup> UN General Assembly, *The human right to a clean, healthy and sustainable environment*, A/76/L.75, 26 July 2022.

<sup>18</sup> UNHCR (2014), *Planned Relocation, Disasters and Climate Change: Consolidating good practices and preparing for the future*, p.19. Available at: <https://www.unhcr.org/54082cc69.pdf>.

<sup>19</sup> Inter-American Commission on Human Rights (2021), *Climate Emergency. Scope of Inter-American Human Rights Obligations*, Resolution 3/2021, para. 21.

<sup>20</sup> Office of the United Nations Commissioner for Human Rights, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, A/HRC/35/13, 4 May 2017, para. 29.