

8th Meeting of the Task Force on Access to Information under the Aarhus Convention - Item 5: Activities under other international forums

The Committee on the Rights of the Child's General Comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

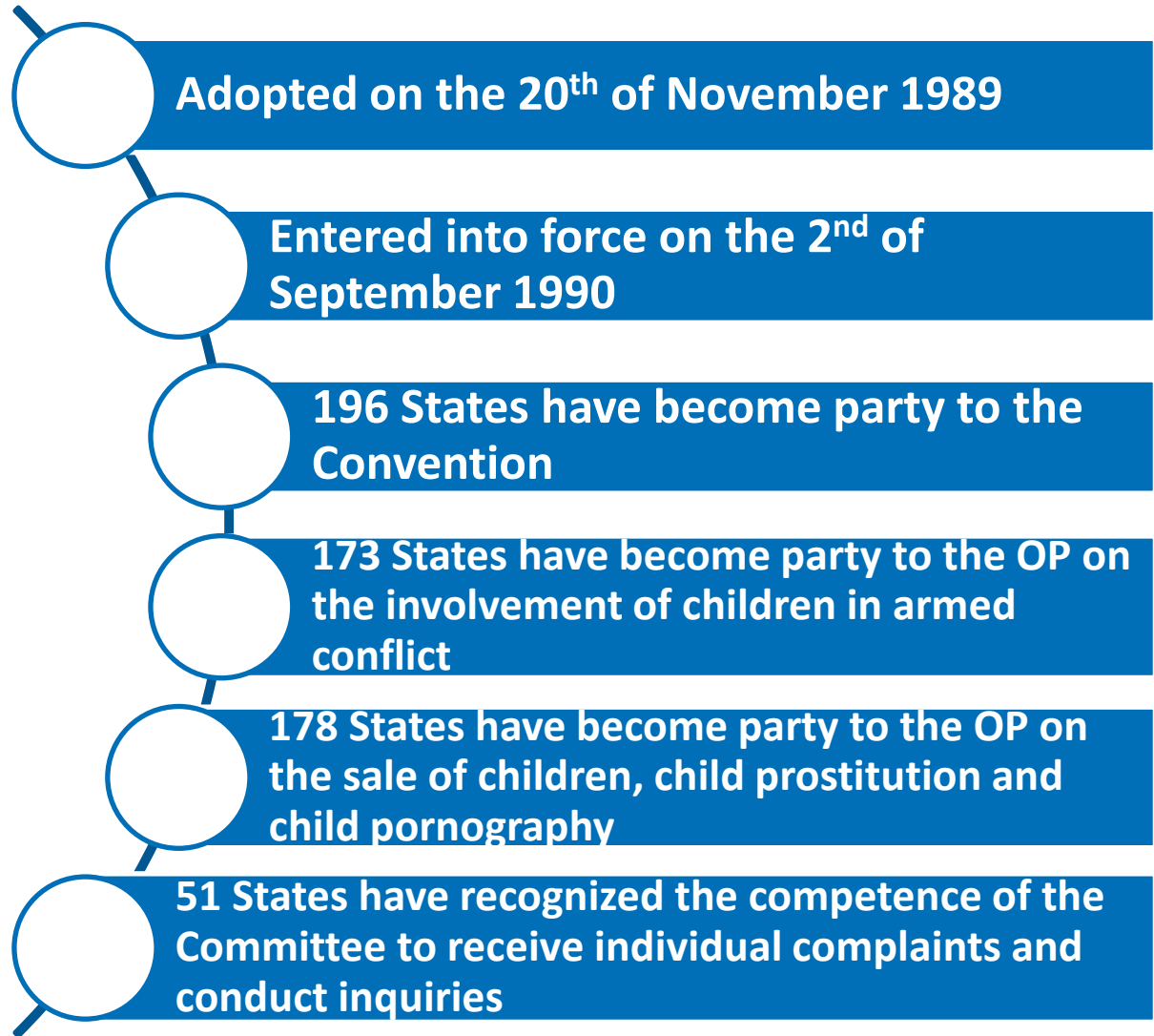
Presentation outline

1. The Convention on the Rights of the Child
2. The UN Committee on the Rights of the Child
3. The General Comment No. 26
4. General Comment No.26 and access to information
5. Opportunities to advance public access to environmental information
6. Further sources of information



The UN Convention on the Rights of the Child

- History



Key provisions of the Convention

- Universally accepted **definition of the child**.

***Article 1** “every human being below the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier.”*

- Definitions of **fundamental rights** of the child for the **first time in history** and in international law.
- Enshrines **civil, political, economic, social and cultural rights**.



Key provisions: general principals

- **Non-discrimination** (art. 2)
- **The best interests of the child** (art. 3)
- **The right to life, survival and development** (art. 6)
- **Respect for the child's views – the right of the child to participation** (art. 12)

The UN Committee on the Rights of the Child

- The Committee
- Main functions:
 - State review
 - Individual complaints
 - Inquiries
- Simplified Reporting Procedure
- Concluding observations



The Committee's concluding observations

- **General Measures of Implementation** (arts. 4, 42 and 44, para. 6)
- **Definition of the Child** (art. 1)
- **General Principles** (arts. 2, 3, 6 and 12)
- **Civil Rights and Freedoms** (arts. 7, 8, and 13-17)
- **Violence against Children** (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)
- **Family Environment and Alternative Care** (arts. 5, 9-11, 18, paras. 1 and 2, 20-21, 25 and 27, para. 4)
- **Children with disabilities** (art. 23)
- **Basic Health and Welfare** (arts. 6, 18, para. 3, 24, 26, 27, paras. 1-3 and 33)
- **Children's rights and the environment** (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)
- **Education, Leisure and Cultural Activities** (arts. 28, 29, 30 and 31)
- **Special Protection Measures** (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

The Committee's General Comments

The General Comments set out the Committee's **interpretive guidance** on the contextual application of the provisions of the Convention and its Optional Protocols

The Committee on the Rights of the Child has adopted 26 General Comments. The last two General Comments are:

- General Comment No.26 (2023) on **children's rights and the environment**, with a focus on climate change
- General Comment No. 25 (2021) on children's rights in relation to the **digital environment**



The General Comment No. 26

The Committee on the Rights of the Child **adopted** the General Comment No. 26 during its 93th session held in March 2023 and **launched** at its 94th session, sept. 2023.

The General comment was informed by:

- Over 170 written submissions from States, UN entities, NHRIs, civil society, children's organizations, and experts
- 16,331 contributions from children from 121 countries
- Expert workshop and regional consultations



The General Comment No. 26

In its General Comment No.26, the Committee:

- Emphasizes the urgent need to address the adverse effects of environmental degradation and climate change on children's rights;
- Clarifies the obligations of States to address environmental harm and climate change;
- Explains how children's rights, under the Convention, apply to environmental protection
- Confirms children's right to a clean, healthy and sustainable environment.



The General Comment No. 26

In its General Comment No.26, the Committee affirms the principles of:

- **Child rights-based approach to the environment:**
Children are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized as environmental actors
- **Intergenerational equity and future generations:**
States bear responsibility for foreseeable environment-related threats arising as a result of their acts or omission, even when their implications do not manifest for years/decades.



The General Comment No. 26 (Cont.)

The Convention application to environmental protection:

- Non-discrimination (art. 2)
- Best interests of the child (art.3)
- Right life, survival and development (art. 6)
- Right to be heard (art. 12),
- Freedom of expression association and peaceful assembly (arts. 13 and 15)
- Access to information (arts. 13 and 17)
- Freedom from all forms of violence (art. 19)
- Right to the highest attainable standard of health (art. 24)
- Right to social security and adequate standard of living (arts. 26 and 27)
- Right to education (arts. 28 and 29 (1) (e))
- Right of Indigenous children and children belonging to minority groups (art. 3),
- Right to play, leisure and recreation (art. 31)



The General Comment No. 26

Climate change

Equitable phase out the use of coal, oil, and natural gas

Child-sensitive adaptation measures

International cooperation

Child rights-based approach to climate finance mechanism



The General Comment No. 26 and access to environmental information

- Access to information essential for enabling children and their parents or caregivers to comprehend the potential effects of environmental harm on children's right.
- Children have the right to access to accurate and reliable environmental information (...).
- States have an obligation to make environmental information available.
- Dissemination methods should be appropriate to children's age and capacities (...).
- States should encourage the media to disseminate accurate information (...) regarding the environment (...).

The General Comment No. 26 and access to environmental information (cont.)

- **The right to a clean, healthy and sustainable environment:** “Procedural elements, including access to information” (...) are important for children “to become agents of their own destiny”. (para. 66)
- **Child rights impact assessment** (environment-related legislation, policies, projects, regulations, budgets and decisions): “The findings should be published in child-friendly language and in the languages that children use” (para. 77).

Opportunities to advance public access to environmental information

- General Comment No.26: a normative framework for the Parties under the Aarhus Convention to promote a **children rights-based access to environmental information**
- The reporting obligation: an opportunity for the Parties of the Aarhus Convention to **provide the Committee with information on children's access to accurate and reliable access to environmental information**
- Dissemination and promotion of the General Comment No.26 by the Parties of the Aarhus Convention & third parties
- The participation of children in the elaboration of the Committee's General Comment No. 26: a good practice regarding **children's rights to participate in decision-making**

Further sources of information

[OHCHR website:](#)

[Convention on
the Rights of the
Child](#)

[Committee on
the Rights of the
Child](#)

[General
Comment No. 26](#)

[Universal Human
Rights Index](#)

[OHCHR – climate
change and
environment](#)

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8 IDENTITY	9 KEEPING FAMILIES TOGETHER	10 CONTACT WITH PARENTS ACROSS COUNTRIES	11 PROTECTION FROM KIDNAPPING	12 RESPECT FOR CHILDREN'S VIEWS	13 SHARING THOUGHTS FREELY	14 FREEDOM OF THOUGHT AND RELIGION
15 SETTING UP OR JOINING GROUPS	16 PROTECTION OF PRIVACY	17 ACCESS TO INFORMATION	18 RESPONSIBILITY OF PARENTS	19 PROTECTION FROM VIOLENCE	20 CHILDREN WITHOUT FAMILIES	21 CHILDREN WHO ARE ADOPTED
22 REFUGEE CHILDREN	23 CHILDREN WITH DISABILITIES	24 HEALTH, WATER, FOOD, ENVIRONMENT	25 REVIEW OF A CHILD'S PLACEMENT	26 SOCIAL AND ECONOMIC HELP	27 FOOD, CLOTHING, A SAFE HOME	28 ACCESS TO EDUCATION
29 AIMS OF EDUCATION	30 MINORITY CULTURE, LANGUAGE AND RELIGION	31 REST, PLAY, CULTURE, ARTS	32 PROTECTION FROM HARMFUL WORK	33 PROTECTION FROM HARMFUL DRUGS	34 PROTECTION FROM SEXUAL ABUSE	35 PREVENTION OF SALE AND TRAFFICKING
36 PROTECTION FROM EXPLOITATION	37 CHILDREN IN DETENTION	38 PROTECTION IN WAR	39 RECOVERY AND REINTEGRATION	40 CHILDREN WHO BREAK THE LAW	41 BEST LAW FOR CHILDREN APPLIES	42 EVERYONE MUST KNOW CHILDREN'S RIGHTS

Thank you

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HOW THE CONVENTION WORKS

CONVENTION ON THE RIGHTS OF THE CHILD



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