The call to tackle climate change for the sake of children and future generations has by now become a well-worn phrase – a declaration commonly made by heads of state, but too rarely translated in the policies and laws over which they preside, despite near universal ratification of the UN Convention on the Rights of the Child (CRC).\(^1\) While the UN Human Rights Council has emphasised that children are among the most vulnerable to climate change,\(^2\) the interface between child rights and climate change remains one of the least understood and least represented in the work of global, regional and national actors and advocates concerned with child rights. Conversely, or perhaps reflecting this, children’s rights have been largely overlooked in international negotiations under the UN Framework Convention on Climate Change (UNFCCC) and in the multitude of regional and national policies and processes that derive from these more broadly.

This represents a fundamental injustice on multiple fronts. Firstly, children make up one of the largest groups affected by climate change, as many of the countries that are most vulnerable to its impacts – due to their location and relatively weak adaptive capacity – are also those in which children account for the greatest share of the total population. Projected demographic trends are expected to further accentuate this reality. Recent UNICEF data suggests that more than half a billion children currently live in areas with extremely high risk of flooding,\(^3\) 115 million are at high or extremely high risk from tropical cyclones, and almost 160 million are exposed to high or extremely high drought severity.\(^1\)

Secondly, children and future generations will bear the heaviest burden of our failure to decisively act on climate change today, despite being least responsible for its causes. More intense and frequent weather-related events, and slow-onset changes such as rising sea levels, changing rain fall patterns, salinization, desertification and dwindling resources, are already undermining a whole raft of children’s rights, but as these impacts escalate over time, this harm will become more profound and widespread.

Finally, and perhaps most significantly, children experience distinct and more acute risks resulting from climate-induced changes than do adults, due to their unique stage of physiological and mental development. These risks expose them to potentially lifelong harm and are likely to fall hardest on the most disadvantaged children.
This chapter outlines some of the multiple ways in which climate change disproportionately affects children and their rights. It reviews the current policy landscape and the opportunities presented by the 2030 Sustainable Development Agenda in particular to facilitate greater coherence between States’ obligations under the CRC on the one hand, and their efforts to tackle climate change on the other. It concludes with some concrete recommendations on the steps required to ensure that the best interests of the child firmly underpin decision-making in this area.

Climate change and the rights of the child

The UN Committee on the Rights of the Child has recognized climate change as “one of the biggest threats to children's health”, as well as its adverse impacts on a range of other rights, including the rights to education, adequate housing, safe drinking water and sanitation. Indeed, children’s vulnerability to climate change impacts poses an immediate and pervasive threat to the enjoyment of nearly all of the rights enshrined in the CRC, and notably the rights to life, survival and development.

Health

Rising temperatures, drought and flooding create breeding grounds for vector-borne diseases such as malaria, dengue and zika, which already disproportionately affect children. In 2014, children under five accounted for nearly 80 per cent of all deaths from malaria. By 2030, the World Health Organisation (WHO) projects that the impacts of climate change on the incidence of this disease could lead to an additional 60,000 deaths per year among children under the age of 15. Similarly, drought, excessive heat, flooding and variable rainfall patterns affect children’s access to clean water, increasing the incidence of diarrhoeal disease, which represents another major cause of mortality for children, responsible for the deaths of approximately 760,000 children aged under five each year.

The disproportionate impacts of climate change on children are placed into particularly sharp relief in the context of increasing food insecurity. Malnutrition is responsible for almost half of deaths among children under the age of five globally, while undernutrition in the first two years of life can lead to irreversible stunting, affecting physical and cognitive development with consequences for a child’s health, educational outcomes and livelihoods in later life. The implications are of course far-reaching for societies more widely, a scenario acknowledged by the president of the World Bank in observing that inequality and poverty are currently being “baked into the brains” of 25 per cent of children before the age of five due to stunting. Climate change is projected to increase severe child stunting by 23 per cent in central sub-Saharan Africa and by 62 per cent in South Asia by 2050, reversing decades of development gains.

The root causes of climate change also undermine children’s right to health. As temperatures rise and countries continue to industrialise, pollutants resulting from vehicle emissions and fossil fuel combustion, smog and dust mix with stagnant air, creating toxic conditions for children. Air pollution now represents a leading cause of child death, responsible for over half a billion mortalities in children under the age of five. Health complications include respiratory conditions such as pneumonia, bronchitis and asthma, harm to children’s physical and cognitive development, loss of education, and potentially life-long consequences for their health. Currently, two billion children live in areas that exceed international air quality guidelines, while approximately 300 million are exposed to outdoor air pollution that exceeds WHO guidelines by at least six times.
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Protection

In the context of severe weather events, children may suffer from physical and psychological trauma, both because of injuries incurred during the event and in the aftermath, when they may be displaced from their homes and separated from their family, or forced into circumstances where they face heightened risk of abuse, child labour, exploitation and violence. In Bangladesh, for example, Human Rights Watch has documented how extreme poverty caused by weather-related disasters has led to arranged child marriages. In Assam, India, protracted internal displacement resulting from flooding and land erosion, linked to unprecedented glacial melt from the Himalayas, has helped to create conditions for child trafficking to thrive. Furthermore, there is increasing consensus that the role of climate change in compounding other complex political and socio-economic stressors can contribute to instability and the outbreak of conflict, with catastrophic consequences for children.

Education

Globally, approximately 120 million children are not enrolled in primary or secondary school, and 140 million adolescents do not attend upper secondary school. Children are prevented from attending school when family livelihoods and resources are disrupted by the impacts of climate change. Families may no longer be able to afford school fees and children may be required to take on an increasing burden of domestic tasks or to engage in labour. During climate-related disasters, school infrastructure is frequently destroyed, schools may be taken over as shelters for communities, or children may be displaced to areas that are too far away to attend. The impacts of climate change on physical and psychological health also undercut children’s education, for example through loss of school days due to diarrhoea and other diseases, or impacts on their concentration and performance due to undernutrition or psychosocial trauma. Research suggests that three years after Hurricane Katrina in the United States, more than one third of children displaced or seriously affected by the hurricane were one year or more behind in school—double the pre-storm rate, while negative impacts on attendance, suspension, expulsion and drop-out rates were also observed.

Loss of education also impairs children’s access to the very knowledge and skills they require to increase their own and their communities’ resilience to climate-related impacts, and to adopt and promote more sustainable low-carbon lifestyles, including through their meaningful participation in climate-related decision-making, advocacy and action. Indeed, the CRC is one of the very few universal human rights instruments that explicitly requires States to take steps to protect the environment, including through education. Article 29(1) states, “State Parties agree that the education of the child shall be directed to: . . . (e) The development of respect for the natural environment.” In this way, the Convention acknowledges that learning to protect the environment is intrinsically linked to the realisation of children’s rights more broadly.

Participation and access to justice and effective remedy

Upholding children’s right to climate change and environmental education and to participation in decision-making strengthens the impact of both adaptation and mitigation interventions, as well as the quality and scope of data. Fulfilling these rights also provides important tools for children’s access to effective and timely remedy for climate-related harms. This extends to seeking redress for child rights violations that may occur in the context of poorly conceived climate action. Incorporating strong child and human rights safeguards in development projects, such as
the construction of renewable energy infrastructure or changes in land use, can reduce the risk of tragedies, such as the murder of two indigenous children following their community’s protests against the construction of the Santa Rita hydrodam in Guatemala.27

Increasingly, there are promising signs that strategic climate change litigation can also be effective in the context of harm that is expected to occur in the future, as a powerful means for demanding accountability and securing more ambitious mitigation action, particularly as climate attribution models evolve. Cases such as the landmark lawsuit against the U.S. government by 21 youth plaintiffs (Juliana v United States) claims that the federal government is violating these young people’s constitutional rights to life, liberty and property, and failing to protect essential public trust resources. In Pakistan, 7-year-old Rabab Ali is suing the government for violating her rights, and the rights of her generation, to a healthy life.28 Such cases, regardless of their outcome, represent an influential advocacy tool for bringing pressure to bear on both State and non-State actors, as well as raising public awareness of children’s claims.

**Not all children are affected equally**

Climate change exacerbates inequality and falls hardest on those already suffering from poverty, discrimination and marginalisation. Families afflicted by poverty have fewer resources available to cope with the impacts of climate change and less access to essential services, such as water and sanitation, than their wealthier counterparts have. Girls must walk farther to find safe water in the context of drought and desertification, forcing them to miss out on education, play and leisure, and exposing them to increased risk of sexual violence on their journeys.29 Indigenous children’s close relationship to the environment and its resources means that they are particularly vulnerable to the impacts of climate change on traditional species and the land on which they depend. Environmental degradation and climate-induced displacement and migration carries profound implications for these children’s specific rights to learn about and enjoy their culture, language and beliefs, and to preserve their collective identity.30 Children with disabilities also face specific and heightened challenges in the context of climate change, including higher exposure to climate impacts, lower adaptive capacity, and a lack of access to information and adequate and inclusive social protection policies.

**Falling through the cracks**

In addition to the immediate redress that this situation demands from the perspective of climate justice and intergenerational equity, the practical implications of children’s near total omission from climate change policies and action are equally profound. These include a glaring lack of information and disaggregated data on children most at risk from the impacts of climate change, and an absence of mechanisms to support children’s full and meaningful participation in climate-related discussions and initiatives, hampering the formulation of effective and child-sensitive responses to one of the gravest dangers they face. Similarly, policies that address children’s rights in many climate-relevant sectors – including disaster risk reduction, water, sanitation and hygiene, health and education – are often informed superficially at best by climate and disaster risk assessments, undermining the long-term resilience of these interventions.

The most recent round of communications submitted by Parties to the UNFCCC clearly illustrates this gap. Just 27 of the Nationally Determined Contributions put forward by countries mention children explicitly – less than one in six – rising to 47 when references to ‘youth’ and ‘young people’ are considered as well. The vast majority of these references are superficial and tend to portray children as passive victims, rather than as rights holders.31 Amplifying the voices
of children will be essential to filling this gap. A recent UNICEF poll conducted among more than 5,000 children across over 60 countries found that 77 per cent considered climate change to be one of the most pressing issues facing young people today, while 98 per cent thought that governments needed to tackle this through urgent action.32

Prospects for asserting child rights in an evolving policy context

As the Committee on the Rights of the Child has stated, a child rights approach to climate change is overdue,33 and there is an urgent need for the best interests of the child to be systematically applied in shaping local, national and international responses to this growing crisis. In particular, evolving national laws and policies flowing from the adoption of key international frameworks in 2015 under the 2030 Sustainable Development Agenda provide a significant opportunity for States to finally connect the dots between their CRC commitments and climate action. Notably, the Paris Agreement recognises that children’s rights and intergenerational equity should guide States’ action to address climate change.34 The Sustainable Development Goals (SDGs) and Sendai Framework for Disaster Risk Reduction also contain important provisions for upholding child rights in the context of climate change.35

In parallel, important processes are underway to further clarify the child rights obligations that apply in the context of climate change, and to provide guidance on how these can be promoted and implemented by duty bearers. Through its General Comment on the Right to Health, and various Concluding Observations – principally to developing countries – the Committee on the Rights of the Child has played a progressive role in beginning to elucidate these norms, including through emphasis on protecting children’s rights in national climate and disaster risk management policies, ensuring that their views are taken into account, and increasing their awareness and preparedness through education.36 And in a new development, the Committee issued its first recommendation to a developed country on the issue of climate change during its 2016 periodic review of the United Kingdom, citing concern about the impact of air pollution on children’s health in the UK, and its contribution to climate change affecting various rights of the child in the UK and in other countries.37 The Committee called on the UK to “place children’s rights at the centre of national and international climate change adaptation and mitigation strategies”.38

Further guidance is expected following the Committee’s 2016 Day of General Discussion on Child Rights and the Environment, while the UN Human Rights Council resolution on child rights and climate change adopted in 2017, and a forthcoming report on child rights from the UN Special Rapporteur on Human Rights and the Environment in 2018, will further consolidate this body of work.

Possible actions

• Fundamentally, respecting children’s rights in the context of climate change will entail urgent action to limit temperature rises through a rapid and just transition to renewable energy, helping to reduce both air pollution and greenhouse gases. Significant investment in resilient healthcare facilities, schools and water and sanitation systems will also be required, underpinned by a child-sensitive analysis of climate and disaster risk.
• Increasing children’s meaningful participation in decision-making and their access to judicial processes, including through investment in climate change education, is also essential.
• These child-targeted measures should be informed by the collection of robust and disaggregated data and child-centred research methods, which capture their unique perspectives and experiences.
Consideration of children’s rights should be mainstreamed in countries’ Nationally Determined Contributions, National Adaptation Plans, national and local Disaster Risk Reduction strategies and SDG implementation plans. In addition, systematic reporting on action taken to safeguard these rights – for example in national communications to the UNFCCC, and in the context of the Global Stocktake – would facilitate the exchange of best practice and enhance accountability.

In parallel, climate change should be incorporated in States’ periodic reporting to the Committee on the Rights of the Child and other human rights monitoring mechanisms, including its impact on child rights, and steps taken to prevent harm.

Dedicated funding streams for children should be established in bilateral and multilateral climate financing mechanisms.

A standing agenda item on human rights should be introduced in the UNFCCC’s Conference of Parties to address child rights and intergenerational equity – as well as the rights of other vulnerable groups – in a cross-cutting manner.

Consideration of future generations could be elevated in decision-making at the national level, for example through establishing a Commissioner for Future Generations, or expanding the remit of existing institutions responsible for children.

Notes

1 In addition to the rights that are available to all humans, there are rights that are distinct to children, in recognition of their unique needs and the additional protections that they require. These are set out in the UN Convention on the Rights of the Child, the most widely and rapidly ratified international human rights treaty.
4 UN Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), at paragraph 50. All UNCRC decisions are available online at www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx.
5 See e.g. UN Committee on the Rights of the Child, Concluding Observations on Jamaica (2015); Saint Lucia (2014); Tuvalu (2013).
7 World Health Organisation, Quantitative Risk Assessment of the Effects of Climate Change on Selected Causes of Death, 2030s and 2050s (2014).
8 World Health Organisation, Climate Change and Health (June 2016), available online at www.who.int/mediacentre/factsheets/fs266/en/.
9 UNICEF, supra note 3.
10 Ibid.
12 S.J. Lloyd, ‘Climate Change, Crop Yields, and Undernutrition: Development of a Model to Quantify the Impact of Climate Scenarios on Child Undernutrition’, 119 Environmental Health Perspectives (2011) 1817.
16 UNICEF, supra note 3.
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19 Ibid.
31 Based on a search for words ‘child’, ‘infant’, ‘girl’, ‘boy’, ‘young people’ and ‘youth’ across 160 NDCs. Three NDCs were excluded due to language or unavailability of search function (Iraq, Indonesia, Timor Leste). All NDCs are available online at http://www4.unfccc.int/submissions/indic/Submissions%20Pages/submissions.aspx.
32 U-Report poll conducted in the UK and more than 60 countries globally, September 2016, available online at http://uk.ureport.in/poll/106/ and www.ureport.in/poll/1474/.
34 The preamble to the Agreement states: Parties should, when taking action to address climate change, 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 inter-generational equity.
35 For a comprehensive mapping of references to child rights in the 2030 Agenda for Sustainable Development, see Children in a Changing Climate Coalition, *A View From 2016: Child-Centred Disaster Risk Reduction and Climate Change Adaptation in the 2030 Agenda for Sustainable Development* (2016). In particular, SDG 13 b “promote[s] mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing states, including focusing on women, youth and local and marginalized communities”. Sendai Framework on Disaster Risk Reduction: “Children 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” (36a(ii)/p. 23).
36 UN Committee on the Rights of the Child, *supra* note 5.
38 Ibid.