



European Network of Ombudspersons for Children

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Position Statement on “Children’s Rights and Climate Justice”

* Adopted by the ENOC 26th General Assembly, 21 September 2022

Reykjavik, Iceland

1

PREAMBLE

This ENOC Position Statement 2022 arises from the concern of ENOC members about children’s environmental rights, and particularly concerns about the extent to which the climate crisis is an imminent threat to children’s rights and interests. It is inspired therefore by the urgency of the climate crisis as well as the actions of children/youth around the world who are advocating for climate change mitigation.

States are obliged under the UN Convention on the Rights of the Child (CRC) and other mechanisms to provide child friendly justice systems. Ombudspersons for Children are in a unique position to progress the enjoyment by children of their rights. We are well placed to mediate between children and states, and to progress the right of children to access justice. In light of the current climate crisis therefore we are seeking to provide enhanced focus on children’s rights in relation to climate justice. This Statement is informed by the research, ‘Children’s Rights and Climate Justice’¹ and consultation with ENOC Members. It is also informed and enriched by the work done by the European Network of Young Advisors (ENYA)². As with all children and youth it is vital for them to be heard, and to have access to climate justice, through better education and participation channels.

We recognise that we have a role in ensuring that children enjoy their human rights and a role in enabling them to claim their rights, including through access to justice. It is clear that children across Europe are concerned about the impact of climate change. Recognising this, we, members of the European Network of Ombudspersons for Children (ENOC), therefore urge governments, the European Commission and the Council of Europe to undertake all

¹ See: <https://enoc.eu/wp-content/uploads/2022-Synthesis-Report-Climate-Justice.pdf>

² See ENYA 2022: <https://enoc.eu/enya-2022-lets-talk-young-lets-talk-about-climate-justice/>

appropriate measures to respect, protect and fulfil the right of children to a healthy environment. We call upon these actors to in particular take all appropriate measures to mitigate the climate crisis so that children and future generations can have healthy futures. A crucial part of this is to ensure access to environmental justice for children and their allies.

In making these recommendations, we are supporting the realisation of provisions enshrined in the CRC which relate to the right to a healthy environment. These include the general principles of the CRC, that is, the right of children to be heard and to have their views given due weight (Article 12); the right of children to have their best interests as a primary consideration (Article 3); the right to life, survival and development (Article 6); and non-discrimination (Article 2). It also includes the principle of the evolving capacities of the child (Article 5); and the right to health, including a healthy environment (Article 24). We also acknowledge and support recognition by the UN General Assembly of the right to a healthy environment as a human right in [Resolution A/76/L75](#).

The recommendations are also intended to support the implementation of the Council of Europe Guidelines on child friendly justice. They are also made in the context of the forthcoming General Comment of the UN Committee on the Rights of the Child on children's rights and the environment with a special focus on climate change.

Having considered other relevant international binding and non-binding legal and other instruments relating to the right of children to a healthy environment including the Paris Agreement and the Aarhus Convention;

Emphasising the obligation of states to take all appropriate legislative, administrative and other measures for the implementation of CRC rights under CRC Article 4;

Recognizing that children's rights are intimately connected to the environment including water, food, habitat, biodiversity, developmental context and many other factors;

Recognizing the general principles of the CRC, including the right of children to be heard and to have their views given due weight, and to therefore take part in political processes;

Recognizing that every child has the right to access, learn, play and develop in their own environment;

Recognizing that the climate crisis and the consequences of environmental damage are felt most acutely by segments of the population in vulnerable situations, including children and young people;

Recognizing the efforts of children and youth around the globe who are campaigning and otherwise working for a healthy environment;

Recognizing that it is the responsibility of States to improve existing principles and measures in order to promote and safeguard the right of children to a healthy environment;

Recognizing the key role that is played by private entities such as business and industry, and the responsibility of States to ensure adequate regulation ensuring respect for the environment by private entities;

Recognizing that children struggle to access justice, and the responsibility of States to ensure that sufficient, age-appropriate and accessible information, legal mechanisms, and support are available for children in this regard;

Recalling our previous statement emphasising the role of children's rights impact assessments in upholding children's rights;

ENOC urges States, national, regional and international authorities and organisations, decision-makers, business and industry to make further efforts to realise the right of children to a healthy environment, with particular regard for climate justice.

Commitments of Commissioners and Ombudspersons of ENOC

- ENOC members will work to support child and youth environmental activists;
- ENOC members will consider whether to conduct research on the possibilities for children to access environmental justice, for example whether they can access legal aid for this purpose. They will identify obstacles and campaign for climate justice;
- ENOC members will continue to work to ensure that children have age-appropriate and accessible information on how to take a complaint or otherwise interact with children's ombudspersons.

ENOC further urges States; national, regional, European and international authorities; and all other relevant authorities to adopt the following recommendations:

Ensure the best interests of children in climate and environmental action

- Ensure that the best interests of children are a primary consideration in all environmental laws, plans and policies;
- Enshrine obligations on private actors to protect children from environmental harm in laws and/or regulations as appropriate;
- Take a precautionary approach to protect children against environmental harm;
- Conduct research to provide information and analysis of the extent to which climate change harms children's rights, including the collection of disaggregated data across geographies and age ranges, and particularly on the situations of groups such as children with disabilities, children living in poverty, and Indigenous children;
- Explain how the principle of the best interests of the child has been respected in a particular decision relating to the environment. This must include consideration of the harmful effects of carbon emissions originating in their territory on children both inside and outside their territory;
- Ensure that the right of children to health, including their mental health, is a primary consideration in policies relating to the environment/climate;
- Ensure that climate plans (Nationally Determined Contributions) as well as law and policy relating to climate justice, give due consideration to children's rights, and with systematic participation of children;
- Build children's rights impact assessments (CRIA) into Government processes as early as possible in the development of climate laws and policies. The CRC should be used as a CRIA framework. Implementation of CRIA should be transparent and should be a policy priority;
- Ensure that children and young people have meaningful and inclusive opportunities for participation in public and political life, including and in particular in evaluation of law and policy relating to climate change and manifestation of climate justice.

Provide human rights education, including on the environment, to children, youngsters, and adults

- Ensure comprehensive and mandatory human rights education, including on children's rights, for children at all stages of education;
- Ensure the right to a healthy environment, including on climate change and respect for biodiversity, is on human rights education curricula. As ENYA recommends, it should start in early childhood and it should include active learning methods such as excursions, workshops, debates and peer education;
- Ensure that children's rights education covers children's civil and political rights and equips them with the knowledge and skills to take action to claim and defend human rights, including the right to a healthy environment;
- Provide teachers and other school staff with the necessary training and resources to deliver effective children's rights education, including on the right to a healthy environment;
- Ensure that human rights education, including the right to a healthy environment, is provided to adults such as professionals and parents;
- Involve children in organising media activities, campaigns and designing curricula/ pedagogies which enhance children's understanding of and respect for the natural environment.

Respect the right to seek, receive and impart information for children

- Ensure that all children are able to enjoy their right to seek, receive and impart reliable information about the environment and climate change;
- As ENYA emphasises, require public bodies to provide public information on the environment/ climate change in formats that are child-friendly and accessible;
- Provide safe spaces and opportunities for children to share information and views on the environment/ climate change in a range of formats, including the facilitation of 'networking possibilities that allow for exchange of ideas' as proposed by ENYA;
- Ensure that any restrictions on children's rights to seek, receive and impart information are lawful, necessary and proportionate;
- Facilitate access to reliable information in climate change by providing information and training on media literacy and critical thinking, and fighting fake news with truthful

information, as recommended by ENYA.

Respect the right of children to be heard and to have their views given due weight

- Ensure that all children have their views sought and given due weight in relation to environmental/climate change policy and public decision-making. As ENYA emphasises: 'The views of children on climate change need to be listened to';
- Require all consultations on environmental/ climate change policy to include consultations with children that are child-friendly and accessible;
- Provide a range of mechanisms through which children can express their views on environmental and climate action issues in a variety of formats, with sufficient time and resources;
- Ensure meaningful participation of children in summits on climate change;
- Ensure children's views are documented accurately, that they reach the appropriate audience, that they are taken seriously/have influence; and that they receive feedback;
- Ensure that reasonable financial provision is provided for Children's Ombudspersons in order to give age-appropriate attention and support to children on environmental matters.

Respect the right of children to freedom of association and to peaceful assembly

- Ensure that all children who are undertaking environmental advocacy are able to enjoy their rights to freedom of association and peaceful assembly;
- Remove age limitations and other unnecessary practical barriers on children forming and/ or joining associations
- Make provision for the protection of children's right to freedom of peaceful assembly and association in law;
- Provide children with information and education on their rights to association and peaceful assembly and how they can exercise these safely;
- Provide direction to schools as to how they can support and enable children to enjoy their rights to peaceful assembly, including the right to protest, and association in school and elsewhere;

- Provide guidance to the police as to how they can assist, support and safeguard children's rights.

Respect the right of children to access justice

- Collect and collate data and conduct research on children's access to environmental justice, and develop plans to ensure that it is child friendly;
- Ensure that children have access to complaints mechanisms through which to submit complaints about environmental harm, including climate harm;
- Ensure that children have access to adequate legal aid and other financial support to facilitate their access to justice mechanisms;
- Ensure that child friendly information is available on how to access justice mechanisms.



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