30 December 2016. Santiago of Chile

**The Chilean Human Rights National Institute response to OHCHR questionnaire about climate change and child rights**

*1. Please describe, in your view, the relationship between climate change and the enjoyment of the rights of the child, and any human rights obligations to mitigate and adapt to climate change that can be derived therefrom. Please also share any examples of how the realization of the rights of the child can contribute to more effective climate action.*

According to the statement of the Independent Environment Expert, Mr John H. Knox, there are two kind of rights related to environment protection: a) those rights in which the enjoyment is particularly vulnerable to environment degradation and b) those rights whereof their exercise could support better environment policies formulation. In this sense, Mr. Knox called the first ones as “substantive rights”. Substantive rights include right to life, right to health, property right, among others. In the other hand, the second cluster is called “procedural rights” which included the right to information, right to participate on the decision-making process and the right of an effective remedy.

At the same time, climate change effects could injury directly a set of guaranties delivered by the Convention on the Right of the Child (CRC). Affecting the plenty exercise and joy of rights as the following:

* mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. (art. 23 CRC);
* The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. (art. 24CRC) ; and above all
* The right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (art. 27 CRC)

The protection perspective related to the duties of the State call to take into account that States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being (art. 3 N°2 CRC), and States shall take appropriate measures to combat disease and malnutrition taking into consideration the dangers and risks of environmental pollution (art. 24c, CRC)

Children must be considered as subject of special protection needs. Thereby they are most exposed to the accumulative and progressive damage that climate change generates. Their physical conditions (smaller size, higher body water proportion, growing process of organs and extremities, among others) make them especially vulnerable to the effects of pollution, atmospheric pollution, ultraviolet radiation or natural disasters consequences as floods or geographic changes. Furthermore, in consideration about their full development, those effects could be affecting their cognitive development. Especially in these cases in which there are less food and water availability or reduced sanitation’s conditions and control of diseases as well.

Poverty and climate change are directly related. The dramatic increase of children’s vulnerability in poverty context as dwelling losses, disease, among others is an example. Moreover, climate change could increase the probability of situations in which the exercise of the right of children is put in risk. This situation reflects the action that children acquired to support the familiar duties about subsistence source restitution. Also, they could be exposed to Human Rights violations as sexual or labour exploitation, trafficking and so on.

*2. Please share a summary of any relevant data as well as any related mechanisms to measure and monitor the impacts of climate change on the enjoyment of the rights of the child, especially the rights of children in particularly vulnerable situations.*

The National Human Rights Institute does not have any information about it.

*3. The best interests of the child should be taken into consideration in all matters concerning the rights of the child, including environmental decision-making. Please describe existing commitments, legislation and other measures adopted by States and other duty-bearers, such as businesses, in climate change mitigation and adaption which are designed to protect the best interests of the child. In particular, please share information related to implementation of commitments to address climate change while simultaneously contributing to the realization of human rights and the rights of the child, the promotion of gender equality, and the protection of future generations. Please also note any relevant mechanisms for ensuring accountability for these commitments.*

On September 2015 the Chilean government have presented the National Contribution of Chile (INDC) to the secretary of the United Nations Framework Convention of Climate Change (UNFCC). This contribution integrates five keyoints: i) mitigation, ii) adaptation, iii) capabilities building and reinforcement, iv) technology development and transference, and v) funding.

The National Contribution states that “environmental degradation, specifically whose related to climatic system, affects more intensely to the most vulnerable population becoming a factor to deepen social inequalities. Thus, to counter these effects, are very important take measures about it as promotion and protection of all human rights potentially affected by this phenomenon” [[1]](#footnote-1). Nevertheless the document has not mention specified about the effects that climate change could generate on children rights. Nor established explicit measures that could ensure an effective joy in a environmental degradation context.

Nowadays the Environment Ministry is creating the 2017-2022 National Climate Change Plan of Actions (PANCCII) whose draft was subject of public query between April to august of 2016. Just one action was directly oriented to children in the proposal: “LA24. Educational strategy: the purpose of this strategy is the integration of climate change in the formal educational system. The activities of the strategy will included the implementation of a National Program of Climate Change Formation. This program will achieve the incorporation of climate issue in the early child and their families. Thus will facilitate the climate change adaptation process. Moreover the program will include climate change lessons into the Higher Education. The present action line include the following measures: Ml12: implementation of the National Program of Climate Change Education; Ml13: generation of Higher Education formal lessons related to climate change” [[2]](#footnote-2)

In the other hand, the Third National Announcement of Chile to the 2016 UNFCC establishes that as part of the Environmental Ministry’s broadcasting and public sensitization it is found “a climate change and carbon footprint video that addresses contents of climate change in a plainly way. Moreover this video talks about how children could fight the climate change through carbon footprint. It’s been also created “La plaza imaginaria” (imaginary square) an animated series about climate change and environment care. Also it’s been created the citizens carbon footprint calculator to estimate the quantity of personal carbon footprint. The carbon footprint estimation wills considerer personal activities, consumption and conducts with the purpose of give tips about how to reduce their personal carbon footprint[[3]](#footnote-3). Furthermore, the announcement establishes two challenges. One of this is “to develop an adaptive climate change educational content to integrate them in the curriculum of all educational levels leaded by the Ministry of Education” and “to broadcast the climate change adaptation issue between children, young people and all the society”.

*4. Please provide guidance on what further actions need to be taken to adequately integrate children’s rights within climate change mitigation and adaptation policies, practices and decisions. In particular, please describe actions needed to:*

* 1. *Ensure the integration of children’s rights, including the rights to family, health, nutrition, education, participation, gender equality, water and sanitation, among others, in climate action;*
  2. *Prevent violence or conflict as it affects children and is connected with social, economic and political stressors aggravated by climate change; and*
  3. *Promote intergenerational equity.*

Children participation as agents of change must be considered as essential axis to develop. In this sense, it will be integrated more actions related to education with the aim of giving “dealing dangers” tools that could teach to themselves and others. Specially the capability to think the creation of a society with high consciousness about the environmental effects of his own actions. To achieve this, it is very necessary to adopt new ways of living, especially a deferential life in relation with nature.

The process of adaptation or the mitigation of the effects of climate change it is a duty that could be address in different ways. One way to achieve this could be the commitment of the Estate to achieve a fully and effective joy of children rights by their own. An important right to protect is the right to live and develop in a healthy environment.

At the date, the National Human Rights Institute have not analyzed the relation between childhood and climate change. However, an analysis of the impact of natural disasters and childhood have been done. In a study that analyses the effects after 2010 Chilean earthquake the Institute states: “the guidelines about humanitarian help stablishes a standard to achieve that all affected people can have a proper access to humanitarian help. This standard defines the priority that must have vulnerable groups such as minorities, one person households, elder people, disabled people, children and adolescents without company or separated (Guidelines B.1.3). Hereof it determines the duty of identification about groups and the special measures that could be done to protect them. Otherwise the groups could not access to benefits”. Specially about the right to health and health assistance the Institute have concerned “the root of apply a disaster damage evaluation to the situation of hospitals and primary health care buildings. Thus, the knowledge about rebuilding process, habilitation and equipment. This information operates as a framework to balance others measures that could be adopted in benefit of total population and the special measures for whom has been damaged as well. Likewise, the participation of affected community in the health services design, implementation, tracing and evaluation is truly relevant. Women´s opinion and their participation is especially important. Women and children are the main users of medical attendance”.

The nutrition evaluation of some special groups of population have special relevance in this context. Such as infants without breastfeeding, children between six months and two years whom use to feed with supplementary food and nutritious complements. Food with high energy; pregnant and nursling babies with access to additional nutrients whom had have the support of the authorities; elder people who have accessed to proper nutritive food and nutritional support; people with chronical disease or specific disabilities who also need nutritive food and proper nutritional support.

*In the same way, at contexts of natural disasters will need special attention the guarantees of the right to education and women and child violence prevention that could occur or increase as result of the bad dwelling and life conditions*

*5. Please share any commitments and best practices for effectively engaging children or youth in climate-related decision-making processes and climate action, particularly those most impacted by climate change, and with consideration for young people of different ages, gender and social backgrounds. Please share any examples of how empowering children and youth has contributed to more effective climate action.*

The National Human Rights Institute does not have any information about it.

*6. Please provide any additional information you believe would be useful to understand efforts made and challenges confronting States and other duty-bearers in their efforts to protect the rights of the child from the impacts of climate change.*

The National Human Rights Institute does not have any information about it.

1. <http://portal.mma.gob.cl/wp-content/uploads/2016/05/2015-INDC-web.pdf> [↑](#footnote-ref-1)
2. <http://portal.mma.gob.cl/wp-content/uploads/2016/04/Anteproyecto-PANCC-2017-2022-FINAL-2016-04-18.pdf> [↑](#footnote-ref-2)
3. <http://portal.mma.gob.cl/wp-content/doc/TCN-2016b.pdf> [↑](#footnote-ref-3)