**Response of NHRC India to the Questionnaire on Human Rights Council Resolution A/HRC/32/33 Entitled “Human Rights and Climate Change**

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.**
2. There is no denial of the fact that climate change and the enjoyment of the rights of the child are interlinked as any change in the climate is bound to interfere with the enjoyment of the rights of the child. Children are particularly susceptible to the impact of climate change including in India, more so in the vulnerable communities.

First and foremost, their stage of physiological and cognitive development makes them more susceptible to a greater risk of exposure to environmental hazards and the potential to be harmed by them. Intense ultraviolet radiation, inadequate shelter and air pollution are few examples that could be cited here. Other than this, many of the main killers of young children – undernutrition (which contributes to more than 1/3rd of all under-5 deaths), acute respiratory infections, diarrhoea, malaria and other vector/water-borne diseases are known to be highly sensitive to climatic conditions, posing challenges to the fulfillment of a child’s right to health.

Rising temperatures can have repercussions like shortage of food, water or floods and other natural calamities which can be detrimental to ensuring of child rights of survival and development. Hence, as part of our obligation to child rights, countries need to take effective steps both, mitigative and adaptive to prevent climate change.

Although, all child rights may be affected, some of the rights are particularly at risk from climate change-related setbacks. These are their right to survival and development; right to non-discrimination, if decisions do not recognize the special needs of children, the different needs of girls and boys or minority groups; right to health and right to health-sustaining conditions such as clean water, nutritious food and usage of toilets to maintain cleanliness and hygiene; right to an adequate standard of living; right to education; and right to protection from exploitation. Best interests of the child therefore must be given utmost priority.

1. **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.**
2. NHRC, India is not maintaining any data relating to impact of climate change on the enjoyment of the rights of the child, especially those in vulnerable situations. Analysis undertaken as part of the MDG review process shows that, while progress has been made in reducing absolute poverty levels globally, the benefits have not been felt by all, with the poorest households being left behind. These people are the most vulnerable to climate change. In many countries income inequality – and inequality in access to essential services such as safe drinking water and sanitation – has actually increased during the MDG period. In India, however, huge disparities exist between rural and urban areas in terms of access to water and sanitation, with 69 per cent of rural areas lacking access to sanitation facilities compared with 19 per cent of urban households. Furthermore, inequality is a major barrier to development; it hinders economic growth and progress in human well-being. Inequalities, to a significant degree, shape the vulnerability of people and communities to climate change.
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 adaptation 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.**
4. The Convention on the Rights of the Child is the most widely ratified international human rights treaty for action on climate change and almost all the Member States have ratified it, including India. The CRC places obligations on the ratifying Governments to ensure that the rights of the children in their country are upheld. In addition, Article 24 of the CRC and General Comment 5 of the CRC Committee oblige developed countries to take action to uphold child rights in developing countries.

Other than this, there are *human rights* *due diligence guiding principles* in place on the lines articulated by Prof. John Ruggie, Special Representative to the UN Secretary General in 2005, to identify, prevent, mitigate and account for issues in business having adverse impact. This invariably covers human rights violations on children owing to climate change.

At the national level, the Ministry of Corporate Affairs, Government of India in July 2011 brought out the “National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Businesses”. These guidelines have been articulated in the form of nine principles. The ‘Third Principle’ categorically mentions that “Businesses should not use child labour, forced labour or any form of involuntary labour, paid or unpaid.”

The Government of India has in place legislations and policies prohibiting and regulating child labour, child marriages and child trafficking. NHRC, India has also been taking initiatives to promote implementation of these legislations / policies.

1. **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 :**
2. **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;**
3. Children need to be participating in initiatives like promotion of use of public transport in place of private cars, conservation of electricity and energy, developing less energy consuming technology and appliances as well as promoting more healthy lifestyles.
4. There is a need to intensify the existing strategies – such as childhood immunization programmes, enhanced role for schools, the upgrading of water and sanitation infrastructure including in pre-schools and schools, and the expansion of public health messaging and environmental education.

In India to achieve full immunization coverage for all children at a rapid pace, the Government of India in 2014 launched Mission ‘*Indradhanush*’ to ensure that all children under the age of two years and pregnant women are fully immunized in identified districts with life saving vaccines. Likewise, in order to give fillip to sanitation coverage across the country, covering tribal, rural and urban areas on a war footing in a time bound manner, the *Swachh Bharat Abhiyaan* (SBA) was launched on 2 October 2014 with the main aim of attaining 100% open defecation free India by 2019. Its other objectives are to bring about an improvement in the general quality of life by motivating all to adopt healthy sanitation practices. These include safe storage and handling of drinking water, proper washing of hands before every meal, personal hygiene plus menstrual hygiene, cleanliness of the house and surroundings, food hygiene and community hygiene. Though the SBA covers everybody in the county, its prime target groups are children, adolescents, mothers and women.

1. **Prevent violence or conflict as it affects children and is connected with social, economic and political stressors aggravated by climate change;**
2. One way of achieving this is through eliciting the participation of the community and strengthening it so that children at risk are taken care of and not exposed to psycho-social trauma, recruitment into armed forces, displacement and forced migration, which may in turn lead to family separation and exposure to trafficking and exploitation. Greater resources need to be earmarked for this purpose.
3. **Promote intergenerational equity.**
4. This could be achieved by involving children in the work of the community at every stage including decision making by adults. This would foster a culture of participatory governance in true spirit.
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.**
6. In India, of late, quite a few number of advertisements on television are appearing signifying healthy hygiene and sanitation practices. Some of these advertisements are collaborative efforts of the Government and private manufacturing agencies signifying public private partnership.
7. **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.**

No comments.

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