**RE: HUMAN RIGHTS HIGH COMMISSIONERS OFFICE REQUEST FOR SUBMISSION AND CONTRIBUTIONS TO 2016 DETAILED ANALYTICAL STUDY ON CLIMATE CHANGE AND THE FULL AND EFFECTIVE ENJOYMENT OF THE RIGHTS OF THE CHILD.**

**The above heading refers. Please kindly receive answers to the questionnaire asked in your above mention letter ref. no. NC 291/ 738/ 02/13.**

**QUESTIONNAIRE:**

1. **Describe the relationship between climate change and the enjoyment of the right of the child, an d any human right obligations to mitigate and adapt to climate change that can be derived there from. Also to share any examples how the realization of the rig ht of the child can contribute to more effective climate action**

**INTRODUCTION:**

Climate change is a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which occurs in addition to natural climate variability observed over comparable time periods.

 Climate change is affecting natural, social and economic systems. It decreases the availability of nutritious food and clean water, and destroys ecosystems and safe living environments. This leads to malnutrition, ill health and migration, rendering Children /youth particularly vulnerable. The impacts of climate change include, inter alia, melting glaciers, sea level rise and an increase in the frequency of extreme weather events such as droughts, cyclones or heavy rainfalls

**Answer:** The human’s fundamental rights to health and life are violated as climate change exacerbates. Pressure on populations to change their diet which for millenniums have depended on animal and plant farming, are both massively affected by climate change. Life-threatening accidents are

increasing because of rapid changes to ice, snow, and land. Traditional food preservation methods are becoming difficult to practice safely. Natural sources of drinking water are disappearing and diminishing in quality. Increased risks of previously rare heat and sun related illnesses also hence a vital part of contemporary human rights doctrine

 Climate change acts as a threat multiplier for other processes including but not limited to, forced migration, conflict, mental well-being, economic security, food and water security, threatening human rights to health, subsistence, community & family life - and their social, political, environmental determinants. As such Climate Change -derived obligations for mitigation and adaptation are a core part of - and to a degree inseparable from - obligations regarding these other rights-threatening social processes.[www.ohchr.org/issues/climate](https://www.ohchr.org/issues/climate) change

For example UNICEF Voice of Youth Parry Zambia says that Mostly, we the children are affected, our schools are flooded, roads are impassable, the food basket is affected which in turn brings about hunger. Well, in order to adapt to the occurrence of these floods, measures have to be put in place. We can help build floating schools, houses and gardens; improve the drainage system in our communities. Well, it’s from these things that change will occur.

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 right of children in particularly vulnerable situations.**

 **These are poor communities -** Diseases like malaria and diarrhoea that are expected to increase due to climate change disproportionately affect the poor.

**Gender inequality** – Women and children are disproportionately affected by displacement and other effects of climate and weather-related disasters. Women suffer higher mortality rates during natural disasters when they experience other gendered inequalities in society. Women’s access to healthcare following natural disasters and environmental stress are often directly correlated with societal status.

**Children -** By nature of their development, children are in particularly vulnerable situations with regard to changes in weather and climate. For instance, they are more likely than adults to die of natural hazards and are more susceptible to diseases, malnutrition, or injuries. Many countries that are particularly vulnerable to climate change also have higher national proportions of children.

 **Migrants -** Climate change is a common factor in the migration of people. Although movement can be an adaptation strategy, migration also leaves people more vulnerable to health risks due to their reduced access to health-care facilities, goods, and services; loss of social networks and assets; and diminished access to key determinants of health.

 **Indigenous peoples -** Many indigenous peoples, particularly those reliant upon their immediate environment for subsistence, will be disproportionately impacted by climate change. Environmental degradation combined with existing patterns of economic hardship, marginalization, and discrimination will contribute to diminished mental and physical health.

**Minorities** - When minority communities experience systemic discrimination and impoverishment, they are likely to suffer disproportionately from the negative impacts of climate change. This is exacerbated by factors such as exclusion from decision-making processes, inhabitancy of climate-vulnerable housing and territories, unequal access to remedies and social welfare systems, and other factors.

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

Although there is no standard definition of “best interests of the child,” the term generally refers to the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child. “Best interests” determinations are generally made by considering a number of factors related to the child’s circumstances and the parent or caregiver’s circumstances and capacity to parent, with the child’s ultimate safety and well-being the paramount concern. The best interests of a child mean to evaluate and balance “all the elements necessary to make a decision in a specific situation for a specific individual child or group of children”. Due to the diversity of factors to consider, usually more than one profession or institution is involved in the assessment process, bringing together various perspectives and areas of expertise from the country of origin and destination and, in particular, the perspective of the child.

Nearly all of the rights of children are impacted in some way by climate change. Some of the core international treaties explicitly frame their provisions in terms of environmental rights. while other treaties include rights that apply in the context of climate change. Increased malnutrition, the destruction of habitats and the exposure of children to diseases related to change in climate all clearly engage the right to health, to an adequate standard of living as well as the right to life, survival and development. Climate change may also cause internal displacement or create refugees, triggering States’ well established obligations with respect to these issues.

These situations may give rise to new applications of rights, but they are addressed by the extensive obligations States have committed themselves to under existing treaties.The Committee on the Rights of the Child has been alert to the application of establish rights in the context of climate change, specifically identifying it as “one of the biggest threats to children’s health”, requiring States to “put children’s health concerns at the centre of their climate change adaption and mitigation strategies.

In relation to children’s rights and private businesses, the Committee has also recognised that “environmental degradation and arising from business activities can compromise children’s rights to health, food security and access to safe drinking water and sanitation.

 Despite the rights enjoyed by children under the Convention on the Rights of the Child and other international human rights treaties, the focus on States and international bodies has largely been on mitigating damage being done by climate change rather than States meeting rights obligations engaged by climate change.

This principle applies to children’s rights in the context of climate

Change as it does in all other situations. These rights, whether civil, political, social,( http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZSC/2015/107.html) .

1. **Please provide guidance on what further actions need to be taken to adequately integrate children’s rights within climate change mitigation and adaptation polices, practices and decisions. In particularly, 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. **. prevent violence or conflict as it affects children and is connected with a social, economic and political stressors aggravated by climate change, and**
4. **Promote intergenerational equity**

Millions of children around the world suffer violations of their rights because of problematic government responses to environmental degradation and climate change. Children from marginalized groups such as from indigenous communities and facing caste based discrimination are often disproportionately affected. Girls are particularly at risk.

 Most recently, at the Day of General Discussion on Child Rights and the Environment in September 2016, Committee members affirmed that "Children’s rights were overlooked in national and international climate policies, and climate change was frequently omitted from child-related policies.” This is, therefore, an important moment to take action to protect children from harms related to climate change.

 The effects of climate change already endanger many children’s access to water, food, and health care. There is an urgent need for governments to address the consequences of climate change on children and uphold their human rights. Children from indigenous communities are often particularly vulnerable because their culture and livelihood is often tied to their land, and such marginalized populations often lack the resources and government support to counter climate change’s effects. Girls often face particular risks, due to gender discrimination and gendered roles that make them responsible for tasks including gathering water and firewood, and washing clothing, among others.

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A climate-harming activity, such as the coal industry, which is responsible for 40 percent of global carbon emissions, threatens the health of children. Children are also at risk from exposure to hazardous substances in the context of fossil fuel extraction for which governments often do not protect them, including by failing to realize children’s right to information on environmental health issues.

There are concrete steps that governments, the UN, and other international bodies should take to better integrate children’s rights within climate change mitigation and adaptation policies, practices and decisions.

Governments should:

 Effectively monitor child rights in the context of climate change to address possible violations and conduct human rights risk assessments to identify children and their communities that are particularly vulnerable to the impacts of climate change. (United Nations Office of the High Commissioner for Human Rights, “Committee on the Rights of the Child holds general discussion on children’s rights and the environment,” September 23, 2016,).

 One of the first steps to protecting children from violence is recognizing those at risk. Risk factors in families include poverty and socio-economic stress, often compounded by drug and alcohol abuse. Those most likely to come into contact with young children, including medical staff and health workers, must be sensitive to the symptoms of violence. More broadly, violence against children and, in particular, violence within the family must begenerally recognized by society as a serious rights abuse. . . .

1. **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.**

Vulnerable children and youth are not all the same; they differ in terms of their experiences, contexts, andcultures. They face common threats to their mental health that come from constraints and challenges built intotheir community and societal structures. No young person or population of young people is inherently morevulnerable than another. It is the contexts in which they reside that makes them more vulnerable.

The evidence is clear: youth have a lot to gain – and contribute - when they are meaningfully engaged in a positive activity. Youth engagement is a powerful strategy to promote youth health, self-confidence, and positive relationships, and to improve career outlook.It’s also beneficial for organizations and communities.

There is strong evidence that youth engagement supports positive mental health. An engaged youth is making healthy connections with peers and supportive adults. This is linked to less risky behavior (such as

Alcohol and other drug use and risky sexual activity) and increased participation in activities that build community.Compared to their peers, youth who are involved tend to have fewer problems and better skills.

Engagement is also empowering. As the process unfolds, youth see that their voices can make a difference; they can help make their communities better places to live.Feeling empowered leads to many other positive benefits for youth.

Youth engagement is also good for communities. Engaged youth tend to be more civicminded. They volunteer, become valuable members of the workforce, and tend to be lifelong,active citizens.**13** Involving youth builds communities, which are then better able to support the youth and families that live in them.**14** For communities around the world, youth are truly one of their greatest assets.

The process for engaging youth is not straightforward. Participation, for example, is different from engagement. When youth participate, they may be invited to attend or to offer their views to adults who initiated

their involvement. Sometimes youth participation is token: they are physically present but their voices are not actively heard and listened to. At this level, youth stand to gain very little. Sometimes youth engagement is simply not practical, such as in communities’ or environments that are politically and economically unstable (**(**[**http://www.tgmag.ca/aorg/printmaterials\_e.php#centre**](http://www.tgmag.ca/aorg/printmaterials_e.php#centre).)

1. **Please provide any additional information you believe would be useful understand effort s 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.**

Over 10 million children die before their fifth birthday each year from preventable

illnesses. At least 18 million low birthweight babies are born each year. Over 50 millionchildren’s births are not registered annually. More than 150 million children under 5 suffer from malnutrition in developing countries, which contributes to half of all deaths of children under 5. Iodine deficiency threatens the learning abilities of three million infants each year.More than 40 per cent of children aged 0-4 in developing countries suffer from anaemia.16 Severe malnutrition in early childhood often leads to deficits in cognitive development. Malnourished children score more poorly on tests of cognitive function, have poor psychomotor development and [poor] fine motor skills, have lower activity levels, interact

less frequently in their environments and fail to acquire skills at normal rates. Malnourished children have more illnesses, are less ready for school and have difficulty learning. At least 10 per cent of children experience some form of disability, and a much higher [percentage] will not be raised in environments adequate to support their potential for learning. . . .

 Meanwhile, in addition to the call for recognition of the right to a healthy environment, participants advised the Committee on the Rights of the Child to include a specific section on children’s rights and the environment in its “Concluding Observations.” Participants also strongly encouraged States and businesses to fulfill their obligations under the UN Guiding Principles on Business and Human Rights and the Committee of the Rights of Child’s General Comment No. 16 on State obligations regarding the impact of the business sector on children’s rights.

Although participants and panelists provided an important list of recommendations, political will is necessary at all levels in order to guarantee all the rights of the child and to improve the vulnerability of children regarding the environment.

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