

General Comment No. 26 - Analysis of the online consultations and 3 thematic workshops with the global community

This report is only available in English, however, a full report on Global Community consultations will be available in Spanish and French when General Comment No. 26 launches

Este informe solo está disponible en inglés, sin embargo, un informe completo sobre las consultas de la Comunidad Global estará disponible en español y francés cuando se lance la Observación General n.º 26

Ce rapport n'est disponible qu'en anglais, cependant, un rapport complet sur les consultations de la communauté mondiale sera disponible en espagnol et en français lors du lancement de l'Observation générale n° 26

Methodological considerations

This report compiles recommendations for the draft of the General Comment 26, henceforth 'GC'. It is based on the analysis of 110 responses provided to a global online open-ended questionnaire¹ by various actors: 5 were gathered from UN offices, 22 from States and 83 from NGOs. In terms of language, 7 were in Spanish, 5 in French and 98 in English. 25 responses came from Africa, 28 from Asia, 28 from Europe, 10 from North America, 5 from South America and 2 from Oceania, while some respondents did not indicate the country of residence.

This report does not constitute a summary of the responses, but an analysis of the themes that emerged more frequently across the various documents.² In some cases, specific suggestions have been integrated in this text, either to provide practical examples or when the response was interpreted as having particular relevance for the work of the Committee. The report is structured based on the themes and topics that emerged in the analysis and on the types of suggestions that were recommended.

The report also includes reference to Thematic Consultations that have been carried out in the format of online workshops with experts, i.e. actors from academia, civil society, government partners, etc.³ Attached to the report are the summaries of the thematic




¹ The Global Online Questionnaire was shared online between the 17th December 2021 and 15th February 2022.

² The analytical approach followed a "Thematic Analysis"; a coding framework was developed based on the questions included in the Global Online Questionnaire and was adjusted iteratively during the analytical process. The coding framework is attached as Annex 1.

³ Please note that additional thematic workshops will be carried out throughout the development of the General Comment. This report includes only those workshops which could be analysed in time to inform the first draft of the General Comment. A more comprehensive report to cover all feedback will be published at the end of the process.

consultations which gather specific details of key themes addressed and key recommendations.

Guidance to interpret the report:

- Each section begins with a summary table with key recommendations on the topic.
- Paragraphs highlighted in light green include an alert – when there are mixed opinions or issues to consider about a specific topic
- Paragraphs highlighted in light orange refer to innovative opinions from few sources
-  This icon indicates aspects which also emerged in the Thematic Consultations 1.⁴
-  This icon indicates aspects which also emerged in the Thematic Consultation 2.⁵
-  This icon indicates aspects which also emerged in the Thematic Consultation 3.⁶

List of Annexes:

- Annex 1: Coding Framework
- Annex 2: Summary Thematic Consultation 1 on the right of the child to a healthy environment
- Annex 3: Summary Thematic Consultation 2 on child rights and climate change
- Annex 4: Summary Thematic Consultation 3 on access to justice for children's rights

⁴ Summary of the Thematic Consultation 1 can be found in Annex 3.

⁵ Summary of the Thematic Consultation 2 can be found in Annex 4.

⁶ Summary of the Thematic Consultation 3 can be found in Annex 5.

1. Impact and Environmental Injustice

- Use an integrated and holistic approach to address climate change, toxic pollution, and loss of biodiversity
- Address direct and indirect impacts of environmental degradation and climate change
- Use a gender-sensitive approach and the concept of intersectionality
- List the causes of environmental issues and climate change
- Mention the unequal impact that environmental issues have across countries
- Discuss the adverse impact of response measures to counteract environmental degradation and climate change
- Be informed by the Framework Principles on Human Rights and the Environment proposed by the UN Special Rapporteur on human rights and the environment

Impact of environmental issues on children's lives

All respondents emphasized the **enhanced vulnerability** to climate change and environmental issues of **children compared to adults**, explained with their not yet fully developed immune and nervous systems. Examples of direct impact include health risks, for example respiratory diseases due to air pollution, especially in urban environments, or intensification of vector-borne diseases, such as malaria. Many have emphasized the need to reflect on mental health issues related to the environmental crisis, such as environmental anxiety.⁷

Especially in urban environments, respondents have indicated the **loss of healthy and safe outdoor spaces** as a consequence of environmental issues, and the negative impact that inability to play outdoors has on children's development, especially young children.

Many have highlighted the **interrelated nature of direct and indirect impacts of environmental issues**, such as environment-related migration of children, and consequent educational disruption, food insecurity, family separation, and child protection risks, such as sexual exploitation, violence, child labour, child trafficking. Some suggested to **distinguish between primary impact**, as impacts suffered immediately and directly by the children as a consequence of environmental issues; **secondary** impacts, as the long-term consequences of environmental issues on the individual; and **tertiary** impact, as societal changes which are a secondary consequence of environmental changes, such as community violence due to competition over limited resources, family violence due to enhanced stress levels, migration, conflicts etc. It is suggested that the GC highlights and address all three types of impact.



An **integrated approach** to addressing the global threats of climate change, toxic pollution and loss of biodiversity is needed, emphasising a holistic and systematic approach to the protection of children's Right to Healthy Environment (henceforth RtHE); the GC could be informed by the Framework Principles on Human Rights and the Environment proposed by the UN Special Rapporteur on human rights and the environment and provide guidance on how best to apply them to ensure respect for and protection and fulfilment of children's rights.⁸

⁷ Reference 2021, Lancet results of its first large-scale survey of climate anxiety in children and young people globally. [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(21\)00278-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(21)00278-3/fulltext)

⁸<https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>

Environmental Injustice



While all children are significantly affected, it emerged that these who are **most vulnerable are more at risk**. The environmental challenges carry strong gender dimensions, with girls exposed to heightened risks due to their primary roles in management, use and conservation of natural resources, as well as their vulnerable position in many societies. Due to the economic impact of climate change on households, girls are also more at risk of losing their right to education, enhanced violence, trafficking, early marriage, and sexual exploitation. Many have **suggested a gender-sensitive approach** in the construction of the GC to recognise girls as key actors in environmental protection while also recognising and addressing their vulnerabilities.



Other at-risk children are children with disabilities, children on the move, or those separated from their families, often as a direct consequence of climate change and environmental issues. Indigenous children are also at risk, especially in terms of loss of cultural identity due to deforestation and habitat loss. Children from disadvantaged segments of the population are also more at risk compared to their peers. Younger children are critically at risk, as the consequences of environmental issues on their health and wellbeing in their fundamental years can be detrimental for their development. Finally, **children at the intersection** of these various categories suffer magnified impacts on their rights.

There is a large consensus on the need to **recognise the enhanced vulnerability** of these groups as well as the fact that children in general, and vulnerable children in particular, have **fewer resources** to cope with these issues, **lower access** to key rights and **fewer chances to have a say**.

Many have also recognised the ways in which **families** are uniquely affected by environmental issues and the negative consequences that stress on family can have on the child's health, wellbeing, development and enjoyment of rights.



Three further recommendations are worth noting: first, the recognition of the multiple and intersecting impacts that environmental issues have on children requires interventions which **align climate and social policies**⁹. It was recommended to fully include in the text of the GC the **list of causes of environmental issues and climate change** (e.g. illegal mining, indiscriminate hunting and logging, fossil fuel production etc.), to effectively address the **complexity of the causes and consequences** of climate change and recognise it as more than just an ecological problem¹⁰.



Second, some States denounced the **difficulties in assessing the impact** of climate change on children and especially on the most vulnerable, due to the difficulties in disaggregating data, especially in particular circumstances, such as children in conflict areas or in remote or poor areas¹¹.



Finally, many are urging the GC to **recognise the unequal impact** that environmental issues have **across countries**, whereby countries that produce less are also more significantly affected and struggle more to adapt or cope, while also balancing the right to a healthy environment with the right to development. Also, the regions hit harder by climate harm are those with the highest number with children.

Adverse impact of responses

The commentary about the need to align climate and social policies responds also to the reflections of many around the potential adverse impact of response measures to

⁹ See for example, contribution by UNITED NATIONS Ukraine and by Mozambique. Also, the TC2 recognises the need to address children's basic social services without which there cannot be any opportunity for children to participate.

environmental crisis on children. Most have highlighted the **economic burden which significantly affects poorer families**, including due to: loss of income for segments that are employed in sectors which face elimination or downsizing to achieve environmental goals; difficulties for families to access measures required to reduce emissions; and increases in prices of goods needed to comply with environmental policies. These challenges have dramatic repercussions for their children, for instance affecting children's ability to attend school, or leading to increased risk of sexual exploitation.

An example of a progressive approach to reduce the economic burden of a green transition for families comes from Kenya, which "has instituted a plan to progressively provide clean domestic energy for the majority of households that rely largely on biomass for cooking. Kenya is the first country in the world to pioneer new geothermal wellhead technology, which ensures immediate power supply at low cost." To provide clean energy to rural communities, Kenya is using a "pay-as-you-go" mobile money credit facility, known as "Mkopa", which is facilitating the transition from kerosene to solar energy for most domestic uses.¹²

2. Guiding principles

- Include child-rights based language and a reference to the 'lifecourse principle'
- Recognize the risk of *Collision of Human Rights*, e.g. environmental rights vs. indigenous rights
- Base the GC on well-established judicial reasoning and jurisprudence, but beware **that the United Nations Convention on the Rights of the Child (UNCRC) is not an instrument of international environmental law**
- Refer to the role of the Agenda 2030 and the sustainable development goals
- **Mixed opinions on the use of the intergenerational equity principle**, as it is outside the scope of the UNCRC. Possible approach: to reference the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Focus on research and science: reference the International Panel on Climate Change Assessment Reports¹³ as **reliable and quality-assured source of information**
- Mention the importance of monitoring and assessments (with a child-rights based approach)
- Reference indigenous knowledge in parallel to scientific knowledge

Most respondents have provided suggestions on guiding principles in which the GC should be grounded, as well as principles on which the States' legislative, administrative and other measures to address environmental issues while upholding children's rights should be based.

Child rights-based approach



A large majority of respondents recognised the **key role of the child rights-based (CRB) approach**, and of the UNCRC and protocols in particular: the CRB approach effectively engages children as active change-makers in addressing the environmental crisis, recognising them as rights-holders in need of **protection** and as **active agents**. Most stressed the relevance of environmental education, as well

¹⁰ Contribution by Bolivia.

¹¹ See, for example, contribution by UN Ukraine.

¹² Contribution by Kenya.

¹³ <https://www.ipcc.ch/reports/>

as the need to recognise child participation in decision making on environmental issues as key factors to sustain an effective CRB approach.

Children should be recognised and **protected as a group**, while also reflecting on each child's **uniqueness**, and adopting a 'lifecourse approach' which recognises the changing nature of the child and their constantly evolving needs¹⁴.



In terms of which **UNCRC rights are impacted** by environmental issues, the responses showed that, in various ways, all UNCRC rights are relevant and affected by environmental damage and climate change because all rights enshrined in the UNCRC require a healthy and safe environment to be enjoyed. Some less obvious answers included the right to participate in traditional and cultural ways of life, the right to (outdoor) play, the right to be free from violence (including witnessing violence inflicted on animals), the right to identity, the right to protection. The GC should emphasize how environmental issues affect fundamental and absolute rights such as the right to life, and the prohibition of inhuman and degrading treatments.



The GC should make clear that access to the natural environment is an integral part of children's right to play: therefore, states have an obligation to ensure children's right to play can be realized. This should include urban planning measures designed to enable access to environments that increase all children's freedom to play.¹⁵

Also, the GC should recognise the risk of **collision of Human Rights** if sweeping measures are required due to insufficient climate action (e.g. environmental rights vs indigenous rights)¹⁶.



Considering the different impacts of climate change across and within countries, the GC should embed references to **differentiated interventions** to address the different **needs of children**, for example in urban or rural contexts, or in the Global North and South.

The GC could clarify that the participation and input of child rights specialists, including child health specialists, as well as child and youth representatives, should be an integral element of the development and implementation of environmental laws and policies.¹⁷

Judicial reasoning



International legal instruments and principles should inform the work of the Committee's GC. Regional instruments (e.g., Council of Europe, Draft recommendation on human rights and the protection of the environment)¹⁸ and national instruments (laws, recommendations, courts etc.) can provide additional guidance in the interpretation of the UNCRC. Without **well-established judicial reasonings and jurisprudence**, there is a risk of weakening the effectiveness of the decisions and recommendations of the Committee¹⁹.

In line with the above, some **critical voices** have highlighted that the **CRC is not an instrument of international environmental law**, and obligations of States in matters related to environmental issues are beyond the scope of the GC. Rather, an approach based on Human Rights could be a better lens through which to develop

¹⁴ Contribution by Malta.

¹⁵ Examples include creating zones with priority for pedestrians or cyclists over motorized traffic and ensuring access and maintenance to parks, playgrounds, landscaped green areas, forests, or other natural environments. See contribution from the National Coalition Germany-Network for the Implementation of the UN Convention on the Rights of the Child.

¹⁶ Contribution from NIM.

¹⁷ Contribution from Human Rights Watch.

¹⁸ cf. CDDH, available [here, in](#) Contribution by Switzerland.

¹⁹ TC2 suggests using a clear and specific approach, and suggests to follow the approach of the CEDAW.

the GC.²⁰ The Committee should carefully reflect on which international forum should be dedicated to developing international norms in relation to international environmental rights. Also, General Comments cannot create rights nor obligations for States.



On the other hand, others emphasized that the GC can **clarify state obligations under multiple international agreements** and provide further clarifications towards State obligations

Various NGOs as well as many actors from the Global South stressed the need for more emphasis on the role of sustainable development and its three pillars (environmental, economic and social development), especially with reference to the Agenda 2030.

Intergenerational equity

Mixed opinions in using the intergenerational equity principle in the GC: Intergenerational equity implies recognising the **environmental problem as a global issue**, and it implies viewing the human community as a partnership among generations. While most respondents recognise the need to stress the intergenerational equity principle in the GC, some highlighted that this **principle is outside the scope of the UNCRC** and therefore the GC has no place in using it as a fundamental principle to guide its work²¹.

On the other hand, it was suggested to **overcome the issues** by including a reference to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which could help sustain the concept of intergenerational equity via an international human rights instrument.



Some suggest using it as a light principle within the GC as it reinforces the realisation of children's rights now and in the future.

M&E, assessment, science, and research



Most welcome the approach that the GC be guided by **science and research**.



This means ensuring accurate research and analysis of impact of environmental changes on children, as well as analysis of impact of response measures, with specific attention to the most vulnerable. Therefore, the GC needs to stress the role of **M&E and assessment** to successfully uphold children's rights in relation to environmental issues.



States should also **define clear goals** and **progressive pathways** and ensure assessment of State measures, multi-level planning with regular reviews and issuance of CRC observation in relation to National Action Plans.²²



Monitoring and assessment need to be **rooted in the 4 UNCRC general principles**, and the standards for monitoring and evaluation of programs and interventions need to be targeted and to respect children's rights.



Monitoring is not only key to address irregularities, but it is also necessary to effectively **engage child participation**.



The central role of **research and science** needs to be stressed also in relation to children's right to **education** and **access to information**, and scientific data



²⁰ See for example contributions from France, China, Canada, and Germany.

²¹ See, for example, contribution by France.

²² Some legislative guidance to substantiate this aspect is given in the light of national constitutional courts' scrutiny of national carbon reduction plans in Germany, Ireland and France.

around climate change and environmental issues need to be shared via child-friendly channels and using child-friendly language²³.

The GC should refer to the **International Panel on Climate Change Assessment Reports** as reliable and quality assured sources of information on the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks, and options for reducing the rate at which climate change is taking place.

Support to research is also indicated by some as a key strategy to combine the right to **development** of countries in the Global South with **sustainability** and environmental conservation²⁴.



Some have also emphasized the need to recognise the value of **place-based and indigenous knowledge** in parallel with scientific knowledge on climate issues and mitigation and adaptation strategies²⁵.

3. State obligations

- Refer to the 48/13 Resolution of the United Nations Human Right Council
- Define what “Appropriate Protection” means including by referring to relevant sources of information: **mixed opinions** on whether that threshold should refer to the target of limiting warming to 1.5°C, or align with scientific consensus on the need to reduce global CO2 concentrations to <350 parts per million (ppm) by 2100 in order to stabilise the climate.
- Refer to the principle of **common but differentiated responsibilities and respective capabilities**: Global North countries should cut emissions at a higher rate than others
- **Mixed opinions** on the ability of the GC to recognise **extraterritorial obligations** in relation to environmental degradation and climate change
- Refer to the **Agreement of Escazu and Aarhus Convention** as legal instruments to interpret the UNCRC in relation to access to justice, information and participation
- Refer to **the “victim requirement”, Optional Protocol to the CRC** on a Communications procedure art. 5.1, to ensure access to justice
- Include reference on how to regulate the activities of the business sector: ask for monitoring and relevant data; punish violations to children’s rights; incentivise virtuous businesses
- Highlight the need for effective **international cooperation**, considering the differentiated impacts of the environmental crisis and to support the environmental resilience and disaster risk reduction strategy of particularly at-risk territories
- Refer to the concept of **margin of appreciation** utilised by the European Court of Human Rights



The responses have suggested a series of State measures, recommendations, interventions and obligations to ensure the protection of children’s rights in relation to the environment. In general, the GC should urge States to **address poverty and inequality** alongside **environmental issues**. Also, the GC should put emphasis on

²³ TC2 suggests that the GC26 be child-friendly as well.

²⁴ See, for example, contribution by China on the emphasis on a balance between environmental concerns and poverty eradication and development.

²⁵ See contribution by Kenya.

stronger state obligations in relation to children's rights and the environment, as environmental changes represent **threats to fundamental rights**.

Despite the abundance of suggestions of State obligations and interventions, little guidance was given on strategies to **support state compliance**, with the only exception of conditioned financing approaches and other financial sanctions in case of misconduct.

Right to a safe, clean, healthy, and sustainable environment²⁶

To effectively reinforce the link between international environmental law and children's rights to health, some have suggested to refer to the **48/13 Resolution of the United Nations Human Right Council**, which has for the first time recognised the human right to a clean, sustainable, and healthy environment.



The right to health should also be supported via **locally-led climate change actions**, which recognise adaptation and mitigation strategies which stem from vulnerable groups, and which recognise and incorporate both indigenous and scientific knowledge²⁷.

Some States reiterated that **it does not fall within the Committee's purview to give its views on the interpretation or the scope of States' obligations under multilateral environmental agreements** or other international instruments pertaining to the environment or climate change²⁸.

Mitigation



The GC should emphasize what "**Appropriate protection**" means: mixed opinions on whether the GC should recognise the 1.5°C temperature goal as a threshold, despite political consensus and emerging jurisprudence citing the Paris Agreement target,²⁹ given that this will not be protective of children's rights. Some argue that the threshold should instead align with scientific consensus on the need to reduce global CO2 concentrations to <350 parts per million (ppm) by 2100 in order to stabilise the climate.³⁰



The principle should be applied reflecting **common but differentiated responsibilities and respective capabilities**: Global North countries should cut emissions at a higher rate than the others. Some recommend including the principle of **intragenerational equity and distinguishing capacities and responsibilities** of various world regions. Also, certain States, such as **island states or states with**

²⁶ A national example of implementation of children's right to health in the context of environmental issues comes from the Contribution from the National Coalition Germany-Network for the Implementation of the UN Convention on the Rights of the Child, as indicated in the "Deutscher Bundestag" printed paper 19/11220 on the urban nature master plan of June 21, 2019: the paper contains the declaration of intent to create more nature experience spaces. Some strategies include funding advice on the implementation of municipal open space and biodiversity concepts, the establishment of nature experience areas, natural inner-city community gardens, green places of learning and school gardens as well as near-natural schoolyards, kindergarten outdoor areas and sports facilities.

²⁷ See contribution by Kenya and TC2 which identifies relevant statistics and scientific data.

²⁸ See for example comment by France.

²⁹ Refer here to IPCC reports, IPCC, 1.5°C Report, 2018, pp. 177–181, IPCC, AR6 SPM 2021, pp. 19–24; the Glasgow Climate Pact, Glasgow Climate Pact -/CMA.3 para 20-21; and legal consensus identifiable in laws and courts, see Shell paras. 2.3.3, 4.4.27; Urgenda, para. 4.3; Friends of the Irish Environment, para. 3.4; Regulation (EU) 2021/1119, 09.07.2021 (European Climate Law) preamble recital 3; Climate Change Act (2020) [Denmark] art. 1.2; Prop. 182 L (2020– 2021) [Norway], p. 3.

³⁰ IPCC, M.R. Allen et al., Technical Summary, in Global Warming of 1.5°C, at 44 (2018): "[w]arming of 1.5°C is not considered 'safe' for most nations, communities, ecosystems and sectors and poses significant risks to natural and human systems as compared to the current warming of 1°C (high confidence)"; IPCC, Technical Summary, in Climate Change 2022: Impacts, Adaptation and Vulnerability, 79 Figure TS.14: warming stays below 1.1°C above pre-industrial temperatures, pathway leads to a "safe climate" with "dignified living standards for all."

long coastlines face specific risks and will have to do more to ensure resilience, thereby requiring more **international cooperation** efforts to achieve this.



The GC should explicitly urge States not to rely too heavily on **negative emission technologies**³¹, in line with the **principle of precaution**.³²

Adaptation

The GC is urged to stress the critical role of **resilient infrastructure**, such as schools, roads and hospitals, to reduce the negative impacts of climate change and improve the safety and wellbeing of children³³.



The GC should also urge States to reinforce the **resilience and capacities of children and their families**, with specific attention to children in vulnerable environments and with attention to mental health issues.

The GC should also urge States to implement **anticipatory actions** by allocating resources in anticipation of potential environmental disasters³⁴.

Extraterritorial obligations and jurisdiction

Mixed responses when it comes to the reference to extraterritorial obligations: Some states have raised the concern that **extraterritorial obligations** as they apply to children's rights and the environment can **conflict with the understanding of jurisdiction** contained in Art. 2(1) UNCRC, which limits its extraterritorial applicability. International human rights law (including the UNCRC, other human rights treaties, and customary international law) cannot impose an obligation on states to protect the rights of persons who are entirely outside of states' jurisdiction³⁵.



On the other hand, while the Committee has generally interpreted States' extraterritorial jurisdiction in a restrictive way, others support the need to recognise extraterritorial obligations in relation to environmental degradation and climate change. **Relevant jurisprudence** can be found in the case *Sacchi et al. v Germany et al.*³⁶, whereby the Committee has stated that children are under the jurisdiction of States on whose territory the emission originated, "if there is a causal link between the acts or omissions of the State in question and the negative impact on the rights of children located outside its territory, when the State of origin exercises effective control over the sources of the emissions in question".³⁷ Respondents have indicated that the GC is an opportunity to highlight and reinforce these findings. Similarly, the **analysis of extraterritorial jurisdiction and climate change** conducted by the European Network of National Human Rights Institutions (ENNHRI) could be relevant to inform the GC.³⁸ Others have also stressed the importance of extraterritorial

³¹ While the TC2 stated the relevance of the principle of precaution, in a separate section it discussed carbon removal technologies but the opinion of the participants on the matter remained unclear.

³² The need to reduce the use of negative emission technologies as a strategy to mitigate the effects of climate change was motivated with the principle of precaution by the Dutch Supreme court and the German Constitutional Court, Neubauer, para. 33 and Urgenda, para. 7.2.5. See also, mutatis mutandis, Sharma, para. 256. See Contribution from NIM.

³³ See contribution from Germany.

³⁴ See comment by the Network for the Implementation of the UN Convention on the Rights of the Child, German Coalition.

³⁵ See for example comment by France and Germany.

³⁶ TC2 highlights that the GC should clarify what requirements have to be met to ensure admissibility of climate-related communications in view of the urgency of the crisis and push for timely due process.

³⁷ *Sacchi et al. v. Germany* (CRC/C/88/DR/107/2019). The authors have submitted the same complaint against Argentina, Brazil, France, Germany and Turkey, the five complaints are registered as communication Nos. 104-108/2019; see also UN Doc CRC/C/88/D/104-108/2019, the view concerning Germany referred to here (no. 107) para 9.3 og 9.4. , 9.7 and 9.9.)

³⁸ ENNHRI, Climate Change and Human Rights in the European Context, 06.05.2021 available [here](#).

jurisdiction, suggesting the GC reflect on the environment as a general good of the international community.³⁹

Access to Justice

The lack of independence and legal status that national legal systems commonly accord to children is a serious barrier to them accessing justice for any rights violation, but environmental issues create further hurdles. **The victims of large-scale environmental damage** are not only those directly affected today, but the **community** as a whole, as well as **people who are not yet alive**. Requirements that individuals have a particular interest and a failure to allow collective or public interest complaints for all those affected can block effective challenges based on the full impact of environmental damage.



Therefore, the GC needs to strongly emphasize the central role of children's access to justice and provide guidance to States. It can be useful to draw from examples from States parties to the UNCRC, who have successfully addressed these barriers and have explicitly and effectively **empowered children to bring cases to assert their environmental rights**.⁴⁰

Providing for **legal standing for specialist non-governmental organisations**, whether in the field of children's rights or environmental protection, **to bring suits in their own name** can also be a highly effective means of protecting the rights of children in this context.⁴¹

Effective access to legal action requires that procedures recognize and accommodate the needs of children, for example through age-appropriate information and removal of obstacles, including formal legal and procedural rules, and informal barriers, such as prohibitive cost.



The GC should refer to the **Agreement of Escazu and Aarhus Convention** as legal instruments to interpret the UNCRC in relation to access to justice, information and participation.



Some have suggested to refer to the "**victim requirement**", Optional Protocol to the CRC on a Communications procedure art. 5.1, as a way to ensure that children can be considered as victims in climate changes cases and can complain over the lack of emissions reductions before the Committee, due to effects that climate change has on their lives.⁴² Also, while the Committee has also stated that **complaints procedures and remedies** must be available when children's right to be heard and for their views to be given due weight is disregarded and violated, the Committee was invited to

³⁹ For example, the Plurinational State of Bolivia approved the Patriotic Agenda of the Bicentennial 2025 through Law No. 650 of January 19, 2015, which establishes the long-term strategic framework towards Living Well and comprehensive development, respecting the rights of Mother Earth, and Law No. 300 of Mother Earth of October 15, 2012 as mechanisms for the articulation of bodies, instances, institutions, organizations, organizations, entities and services at all levels of government of the State, which has as its primary objective to guarantee the full enjoyment of the rights of girls, boys and adolescents, as well as the exercise of rights aimed at the protection of the environment, within the framework of the Patriotic Agenda. Contribution from Bolivia.

⁴⁰ See examples in Philippine (see CRIN, Children's Access to Justice for Environmental Rights; Philippines, March 2022), Colombia (see *Future Generations v. Ministry of the Environment and Others*, available at: <http://climatecasechart.com/climate-change-litigation/non-us-case/future-generation-v-ministry-environment-others/>), Peru (*Álvarez et al v. Peru*, available at: <http://climatecasechart.com/climate-change-litigation/non-us-case/alvarez-et-al-v-peru/>), South Korea (see *Do-Hyun Kim et al. v. South Korea*, available at: <http://climatecasechart.com/climate-change-litigation/non-us-case/kim-yujin-et-al-v-south-korea/>), Costa Rica (see CRIN, Children's Access to Justice for Environmental Rights: Costa Rica, forthcoming)

⁴¹ This measure has been adopted by around half of States parties to the UNCRC. See CRIN, Rights, Remedies and Representation: A global report on access to justice for children, 2016, p. 24

⁴² See *Sacchi et al. v. Germany et al.*, 4 ENNHRI, Climate Change and Human Rights in the European Context, 06.05.2021 available [here](#) pp. 22-24. See also ENNHRI, Written observations in application no. 53600/20 Verein Klimaseniorinnen Schweiz et autres c. la Suisse, [available here](#).

extend these mechanisms to decision-making processes that concern children in general.

Business and State

Children may face particular **difficulties in obtaining remedies** when their rights are violated by **business enterprises** in the context of environmental damage, in particular where there is cross-border or global impact. The Committee has already recognised the obligation of States to provide effective remedies and reparations for violations of children's rights by third parties, including business enterprises,⁴³ as well as the role of regulatory agencies with relevant oversight powers in investigating and monitoring abuses and imposing administrative sanctions on businesses which infringe children's rights.⁴⁴ The GC should **recommend that States sufficiently empower agencies with regulatory or oversight functions to enforce children's rights obligations against third parties**, including businesses. These agencies and bodies must also be accessible to children and include expertise relevant to children's rights. The Committee has recognised these challenges with regards to businesses operating in the digital environment⁴⁵ and has made recommendations that could usefully apply within the context of the current GC.

Some NGOs suggest that the Committee should request States to apply **measures to prevent businesses from causing transboundary extraterritorial harm** that violates children's rights and secure accountability and remedies where such harm is caused.⁴⁶

Moreover, States should be encouraged to ensure regular **monitoring of business activities** to be able to assess long-term impact of interventions, by adopting **mandatory human rights and environmental due diligence rules**, based on the UN Guiding Principles on Business and Human Rights and norms by the Organisation for Economic Co-operation and Development (OECD). Environmental due diligence should include steps to prevent, address, and remedy harmful impacts from climate change, toxic pollution, and destruction of biodiversity; two examples are recent **European Union legislation on deforestation and a European Parliament proposal for due diligence rules**.

In reference to State as well as business responsibilities, **compensation and environmental remedies** should refer to both material and immaterial damages, as well as **ecological restoration** in addition to individual and collective reparations.⁴⁷ In practice, courts have imposed a variety of remedies in environmental cases: damages and injunctions to stop activities or provide remediation,⁴⁸ fines and charges, conditional sentences in conjunction with community service, imprisonment,⁴⁹

⁴³ UN Committee on the Rights of the Child, General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, CRC/C/GC/16, 17 April 2013, para. 30

⁴⁴ *ibid.*

⁴⁵ UN Committee on the Rights of the Child, General Comment No. 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, 2 March 2021, para. 48.

⁴⁶ Singapore's Transboundary Haze Pollution Act, for example, imposes liability on those companies which are domiciled or operate overseas, but which cause or contribute to haze pollution in Singapore. See <https://www.business-humanrights.org/de/neuste-meldungen/commentary-singapores-law-to-hold-companies-liable-for-transboundary-environmental-health-impacts-of-haze-pollution/>

⁴⁷ For example, the remediation of contaminated sites may be a necessary remedy in cases related to pollution or the release of toxic substances, medical and psychological care may be necessary for individual child victims of environmental rights violations, and national preventative policies and law reform may be necessary for large scale violations. See Report of the Special Rapporteur on the implications of human rights of the environmentally sound management and disposal of hazardous substances and wastes, A/HRC/33/41, 2 August 2016, para. 110(h).

⁴⁸ See CRIN, Children's Access to Justice for Environmental Rights: Uganda, forthcoming

⁴⁹ See CRIN, Children's Access to Justice for Environmental Rights: Sweden, forthcoming

upholding or overruling permits,⁵⁰ cessation of business activities,⁵¹ and declaratory judgments and orders to compel the State to reduce its emissions.⁵²



In general, **compensation and remedies** are strongly linked with sustained efforts of **monitoring of interventions** and **data collection** and management with respect to children affected⁵³.

In addition to **punitive measures** to discourage violations of children's rights in relation to the environment, it was suggested to **promote schemes to support progressive business practices** (e.g. tax exemptions).

Upholding children's rights to health and negotiating multiple demands and limited resources

The issues of **limited resources** can be addressed by the GC by highlighting the need for effective **international cooperation**, also of relevance in light of the differentiated impacts of the environmental crisis. International cooperation should imply transfer of know-how, technology and finance to Global South countries and states and territories which are particularly vulnerable, such as Small Island Developing States (SIDS).



It was also suggested to refer to the concept of **margin of appreciation** utilised by the European Court of Human Rights to determine the degree to which a State has discretion to **balance different civil and political rights** while invoking limited resources. The margin of discretion is narrower in the case of climate change due to the intergenerational equity principle, the fundamental nature of the rights at stake and the principle of precaution, which cannot allow States to shy away from the 1.5°C goal but can allow a margin of appreciation in the choice of measures to undertake.⁵⁴

The issue of how to prioritise environmental policies amidst conflicting demands should also include a reflection on the **negative effect of quick political turnovers** which complicate the integration of long-term strategies for environmental issues: a possible approach to reduce this challenge is to establish **non-election bounded working groups**.

4. Participation

- Highlight the role of access to education and information to ensure **meaningful participation**
- Strengthen States' responsibilities to integrate environmental education in school curricula
- Participation implies substantial **investment of resources and time**, which States need to budget to ensure they uphold this right
- Ask for the creation of **appropriate and regular channels of communication** between State institutions and children



GC26 should place central emphasis on children's right to participation and provide specific guidance on how to embed it in UN/climate processes.

⁵⁰ See CRIN, Children's Access to Justice for Environmental Rights: New Zealand, forthcoming

⁵¹ See CRIN, Children's Access to Justice for Environmental Rights: Tunisia, forthcoming and see CRIN, Children's Access to Justice for Environmental Rights: Slovenia, forthcoming

⁵² See CRIN, Children's Access to Justice for Environmental Rights: The Netherlands, forthcoming

⁵³ TC2 stresses the importance of business as well as accountability of specific countries.

⁵⁴ The GC can refer to the Dutch supreme court and German Constitutional Court cases, see Urgenda, para. 8.2.7 and Neubauer paras. 207, 229 and 249. See mutatis mutandis, Budayeva §§ 134, 135; Öneriyildiz v. Turkey [GC] (48939/99) § 107; Greenpeace E.V. et al. v. Germany (dec.) (18215/06) 12.05.2009., p. 4.



Upholding the right to participation should be an opportunity to recognise children as **victims and as agents** in the face of climate change and environmental issues.



There is also a wide recognition that the right to participation goes hand in hand with the right to **education and information**, without which there cannot be any effective child participation in decision making processes. It is suggested that the GC consider these aspects together, strengthening States' responsibilities to integrate environmental education in **school curricula** for children to be aware of the issues, as well as introducing policies which affect children's lives or are relevant for them in class, and allowing specific channels for discussion and reflection on simple and child-friendly mechanisms to access and influence policies. It was noted that participation is truly fostered by education only if the institutions teaching about environmental protection and climate change live by these same principles – e.g., education for sustainable development as a benchmark for school mission statements.



In terms of suggestions for interventions in favour of children's rights to participation in decisions concerning environmental rights, many recognise the **absence of spaces and child-friendly approaches** and suggest emphasizing the need for **trainings** for personnel and children on participation approaches and opportunities.⁵⁵



Access to participation is also key to ensure intergenerational equity, and the creation of **appropriate and regular channels of communication** between State institutions and children should be encouraged.⁵⁶

Many have indicated that effective participation implies substantial **investment of resources and time**, which States need to budget to ensure they uphold this right.

Access to environmental information and right to education

Providing quality **education on environmental issues from pre-school onwards** is key to ensure both children's right to education and access to information. The streamlined approach in National Curriculum and Teacher trainings would ensure access to information potentially for all groups for children, including the most vulnerable and the youngest.⁵⁷

Synergies with existing frameworks should be encouraged, including SDG4 on education and the United Nations Framework Convention on Climate Change (**UNFCCC**) **Action for Climate Empowerment (ACE)**, which is based, among others, on Article 12 of the Paris Agreement.

Educational strategies should not only focus on **environmental awareness** but also training to be ready to **cope with changes and education to mitigate and prevent environmental changes**. The educational system could also be one of the key avenues through which **effective participation** of children in decision-making processes is channelled.

⁵⁵ Many have provided examples of approaches to effective child participation which could be useful for the Committee. While we do not have the space to include them all here, we would like to highlight the example provided by UN Ukraine, whereby the UNDP collected the voices of children using Minecraft and LEGO, in the context of a project called "The Butterfly Effect: Piloting research to support the sustainable transformation of Ukraine's coal mining towns." The project allowed children to re-think and suggest improvements to their cities' environment. The use of tools like LEGO also facilitates engagement of the youngest, who are often left unheard. Also, relevant to note the example from Kenya, where the State Department for Social Protection, Senior Citizens and Special Programmes initiated the Kenya Children Assembly (KCA), a platform whereby children have the opportunity to air their views and interact with policymakers. Meaningful child participation also occurs through the Kenya Children's Parliament and Children's Councils, taking place in schools.

⁵⁶ The UN Committee on the Rights of the Child, General Comment No.12 could provide guidance.

⁵⁷ An example of curriculum reform is the one from Guatemala, which has integrated the issues from K12 on.

Besides education in class, the GC should also refer to **non-formal and informal** climate and environment education, including family trainings⁵⁸. Especially in these venues, the use of **internet and child-friendly online experiences**⁵⁹ can represent a great resource to provide access to information, ensure education and integrate channels for participation to decision making processes.



Child-friendly information should also highlight the connections between **environmental and social issues**, to also raise awareness around intertwined global issues. Child-friendly information is also key to ensuring that children can access justice, and this has already been stated by the Committee.⁶⁰ Some NGOs suggest that in the context of climate change, where children and young people have been active campaigners and at the forefront of climate justice movements, there is an increased need to ensure that children are educated about and informed as to how to exercise their rights to protest and to access complaints procedures if their rights are violated while they are protesting.



Finally, the GC should reinforce strategies to address and tackle manipulation of children by adults, for example via **fake news** in relation to environmental issues, and also address the **responsibilities of businesses** that promote misinformation.

⁵⁸ Comment by Kenya.

⁵⁹ Comment by Mexico and National Coalition Germany-Network for the Implementation of the UN Convention on the Rights of the Child.

⁶⁰ UN Committee on the Rights of the Child, General Comment No. 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, 2 March 2021, para. 49.

Annex 1. Coding Framework

Code System	Memo
Env impact	ENVIRONMENTAL IMPACTS ON CHILDREN, including Env impact\Env destruction, Env impact\biodiversity, Env impact\climate change
Env Injustice	Including Env impact\Env Injustice children vs adults; env Injustice girls; Env injustice disability; Env injustice indigenous; Env injustice others; Env injustice younger; Env injustice move; Env injustice separated; Env injustice poverty; Env injustice intersec
Env crisis adverse impact resp	How/why the response to the environmental crisis can generate adverse impact for children
climate change inequality	How/why climate change can increase inequalities
Env injustice country differences	Environmental injustice: differences / inequalities between countries
Guidance for Measures	Principles and instruments that are proposed as base for the development of state intervention to uphold children's rights in measures related to env issues
CRB approach	How CRBA and CRC can be a guidance to support the development of measures for states to uphold children's rights in the framework of env issues. Including right to life; Non-discrimination; Best interest; value in env crisis; practical implications; CRC role
Intergen equity	intergenerational equity principle
implications intergen equity	Practical, legal, policy implications of intergenerational equity principle
examples of CRC4 gen principles	Examples of CRC 4 general principles to shape decisions on env
Technical tools	Tools that should support the development of measures for States to uphold children's rights in the framework of env issues
Monitoring and assessment	Role of monitoring and assessment in guiding State decision making and ensuring children's rights are upheld
Research/science	Role of science and research as base to develop effective State measures
State obligations&interventions	Suggestions of national and transnational obligation and interventions that should be embedded in the GC26 to ensure children's right to health, access to information, access to education, and participation are upheld in the framework of env issues and climate change.

Access env info	Access to environmental information
Guidance laws access to env info	Which laws, regulation, court case, or any other legal instrument can be utilised to support states in providing children with access to env information
Access to Justice	examples and indications of state interventions to uphold access to justice for children
Guidance laws access to justice	Which laws, regulation, court case, or any other legal instrument can be utilised to support states in providing children with access to justice
adequate reparation	adequate reparation
class actions	class actions
complaints mechanisms	accessible and child-friendly complaints mechanisms and legal procedures
examples support to access to info	Examples of legal, policy and practice to support access to env information
example state measure for access to justice	examples of specific measures by states to promote child access to justice
interests of future generations	ability to represent interests of future generations
legal standing	rights of legal standing
standard of proof	burden and standard of proof
support to remedies for violations	actions to strengthen children's access to timely and effective remedies for violations
Art12 CRC	Views of the child (art12) CRC
Guidance laws Art12	Which laws, regulation, court case, or any other legal instrument can be utilised to support states in providing children with opportunities for participation
State support to CEHRD	actions by state to support Children environmental human rights defenders

example restrictions to child participation	Examples of restrictions towards participation of children
examples child participation	Examples of facilitation of participation of children
examples right to freedom of expression	examples of implementation of child's rights to freedom of expression, assembly and association
risks to participation	risks and barriers for certain children to participate
suggestions child participation	Suggestions to create more space for children to participate
suggestions young children participation	Suggestions to create more space for children to participate (focus on young children)
Right to education	Right to education CRC
Guidance laws right to education	Which laws, regulation, court case, or any other legal instrument can be utilised to support states in providing children with access to justice
Safe clean healthy sust env	SAFE CLEAN HEALTHY AND SUSTAINABLE ENVIRONMENT how the child's right to a healthy environment has been recognized and implemented at the international, regional or national levels?
Guidance laws right to health	Which laws, regulation, court case, or any other legal instrument can be utilised to support states in upholding children's rights to health
Right to health	Right to health CRC: children should have the right to good quality health care, to clean water and good food, live in a safe and healthy environment free from pollution
Business and State	
HR obligations of business	human rights obligations of businesses
measure business sector role	Measures to address role of business sector in the protection of env rights Includes business sectors role gaps

Extrater obligations&jurisdiction	extraterritorial obligations and jurisdiction
International coop	The possible role of international cooperation
Mitigation	State obligations: mitigation approaches
Adaptation	State obligations: adaptation approaches
Most useful CRC rights	CRC rights that are most useful / should require attention
Protective capacity of right to health	In how far can the Right to health CRC provision protect children from environmental harm/climate change
State obligation vs limited resources	Negotiation of State env obligations in light of limited resources
Island	Island
Urban	Urban
Rural	Rural
Africa	Africa
Asia	Asia
Europe	Europe
Oceania	Oceania
South America	South America
North America	North America
Antartide	Antartide

Annex 2. Summary Thematic Consultation 1 on the Right of the Child to a Healthy Environment

The TC1 stressed the need for the GC26 to reflect on and incorporate the following suggestions:

- The central role of the RtHE in the GC was emphasized, and it was recognised that the RtHE needs to be integrated, otherwise the work of the GC is quickly outdated, and the absence would fail to reflect children’s claims and create dissonance with the HRC/UNGA process.
 - In terms of the role of domestic legislation, the constitutionalizing can be a helpful process, but the GC should reflect on enforceability. Language and place in constitution can affect opportunities for enforceability. Suggestion: explicit and specific language, while also linking environmental rights with other human rights.

Controversial issue: whether the RtHE should be “self-executing”. Pro: out of politics and direct legal enforceability; cons: difficult to establish, better to use a language and approach that leads to a *de facto* self-executing right.

- For what concerns the legal basis to establish the RtHE, some useful precedents in interpretations of human right treaty provisions were indicated, namely the Committee on Economic, Social and Cultural Rights (CESCR) GC15 on right to water, whereby the RtHE can be fundamentally linked to other rights in Convention, possibly art.6 (life) and 24 (health), or art.2 (non-discrimination) or 8 (identity).

Controversial issues: Art. 4 (protection of rights) could be useful, but it specifically says "for implementation of rights recognised in present convention".

Controversial issues: the intergenerational equity principle leads to a consideration of children’s position as rights holders but also subject to duties (in respect to the rights of Future Generations). For some, it is complex and risky to intertwine rights with duties, but the Committee should integrate some reflections on duties, especially in line with the Universal Declaration of Human Rights. Others oppose the arguments that if children claim their rights, then they also need to have duties: more discussion on responsibilities and rights is needed, but the GC might not be the right place. For what concerns intergenerational equity, reference to the Colombia Supreme Court, which used the principle of solidarity in relation to intergenerational equity, could help reconcile the position of the child as being rights holders AND representative of FGs.

- GC needs to articulate the relationship between RtHE and intergenerational equity. Reference can be made to the German Constitutional Court case which derived the principle of intergenerational equity from other rights enshrined in the Constitution.
- Other climate-related issues, such as Loss and Damage, also need to be addressed explicitly.

Annex 3. Summary Thematic Consultation 2 on child rights and climate change

- The GC26 should put emphasis on Art.3 best interest of the child – especially in relation to business actions and climate financing.
- Children’s right to participation was also broadly discussed:
 - GC should clarify what child participation entails and strengthen legal frameworks that guarantee such right.
 - Embed follow up and feedbacks to ensure that children’s views are taken into consideration.
 - Incorporate the role of Child Human Rights Defenders and risks they run: GC26 should make clear recommendations on State Parties measures to protect young climate defenders (e.g., see the work of the DGD and Child Rights Connects on CHRDs). Access to justice is precondition to participation.
 - The committee should reflect on incentives for participation of different groups of children, which are differently affected by climate change (e.g., younger and older children) and reflect on ways to financially, emotionally and practically support child-led work in the Human Rights Council and UN fora.
 - Participation implies changes to where decisions are made at every level.
 - Obstacles to participation and access to justice need to be acknowledged: the GC26 needs to find strategies to include child participation and access to remedies from the beginning of impact statements and processes and reflect on potential long-term consequences.
 - The GC26 needs to emphasize the centrality of children for the future of our planet and their voices, choices and participation are crucial in all climate action. Adults speaking on behalf of children can misrepresent children's views and should be a “last resort”.
- The role of business and climate financing is stressed, including at the level of domestic policies.
- GC26 should link the Sustainable Development Goals, the Paris Agreement, and the Sendai Framework for Disaster Risk Reduction, thus, also linking mitigation and adaptation, with equal distribution of resources, and strategies to provide safe channels for climate migrants.
- GC26 should integrate strategies to uphold Children’s right to the environment also when facing other crises which could detract from the urgency of climate action.
- Intergenerational aspects should be highlighted: it is urgent to keep temperature increase at the lowest possible and describe what this means for the lives of children.
 - Many legal cases today use children’s rights and intergenerational justice interchangeably which can be powerful – courts consider them representative of children in the future.
 - Stress the role of children in the development, content and implementation of Nationally Determined Contributions and action plans. The GC should identify practical approaches for States.
- GC26 should provide guidance on Extraterritorial obligations:
 - Recognise that children’s rights include rights of children to a healthy environment.
 - Clarify the meaning of extraterritorial obligations and consequences for non-compliance.

Annex 4. Summary Thematic Consultation 3 on access to justice for children's rights

- Access to justice is fundamental to realise other rights, at the same time the GC26 needs to make specific references to access to justice in issues related to the environment (see Escazú Agreement).

CONTROVERTIAL ISSUE: The rights appearing more often in National Constitutions could represent useful guidance (best interests of the child is often present) BUT better not to over-use the best interest of the child but rather work to sustain other rights (e.g., understand the right to health extensively as to include the right to a healthy environment).

CONTROVERTIAL ISSUE: GC26 should reflect on what access to justice encompasses and where it begins: **Litigation** is a last resort that most do not wish to take, unless they are not being heard BUT it is crucial that access to justice entails court cases: they are more effective to influence policies.

- GC26 needs to stress the role of assessments of impacts on Children's Rights to support litigation.
- GC26 should guide states with **legislative frameworks**: domestic legislation should determine the responsibilities of government and private sectors, and include domestic remedies and remedies for children specifically; legislation should provide both **Substantive and Procedural remedies** and address **causation and proportionality**. GC and legislation should also address methodologies of engagement: suggestions could be borrowed from family court proceedings.
- **Challenges: Urgency** - litigations can be long, and children who become adult in the process should be entitled to remedies as children. Urgency also affects children differently, e.g., children living on islands need more timely responses: **interim measures** should be highlighted. **Costs** can be another deterrent to access to justice. GC also needs to recognise **intersecting factors** which affect access to justice, as well as parents' different political power to access justice themselves, as well as unique needs of indigenous children in terms of access to justice and remedies (see Convention 169 - Indigenous and Tribal Peoples Convention and the Rights of Nature framework).
- **Collective rights** should be stressed, but without overlooking issues related to particular individuals or groups. Also, collective rights are not well developed in States. Still, they can be helpful in the context of **class action and collective suits**, and help circumvent the problems of **causation and burden of proof** (see African Charter on Collective Rights / Right to healthy environment). GC could also refer to the UN Harmony with Nature program and the rights of nature framework to recognise the rights of ecosystems to exist and flourish, as well as the interrelationships between humans and all other forms of life on the planet and utilise an **interconnected ecosystem approach**.
- GC needs to challenge the assertion that people under 18 **lack legal standing** while still recognising that the technicality of cases implies that they will need adult support.
- **Prevention and precaution** should govern State actions because damage done are hard to **remedy**. **Prevention and precaution** can help circumvent the problem of **causation**. On the issue of a **sufficient causal link**, the GC should clarify what the threshold is: the threshold set must not be too high, to leave open the possibility of an increasingly progressive interpretation of 'significant harm' (see Neubauer et al. v. Germany case, and Sacchi et al. v. Argentina et al.).
- GC should include a chapter on corporations, linked to GC16. It was suggested to consider **reversing the burden of proof** on corporations, to stress impact assessments for these

using chemicals, to prohibit double standard on transnational companies, and to allow children to be heard by business directly, rather than only address the judicial system.

- GC should consider the chain of steps to access justice, i.e., information, remedies, appeals, etc., and show interaction between **international, regional, and local remedies**.
- **Access courts and complaints mechanisms:** GC should suggest going beyond formal judicial avenues e.g., National Human Rights Institution (relevant particularly for indigenous children).
- **The GC should stress the role of procedural requirements** in law as a way for states to ensure they avoid rights-harming activity; also, failures to comply is a well-established ground for judicial intervention.
- **Specific remedies to address violations of children's rights:** Supervisory orders can be useful to set up committees; Declaratory orders can be useful if it is not necessary to show harm.
- Regarding jurisdiction in international human rights law, the CRC cannot create universal jurisdiction, but it can clarify the requirements for States' **extra-territorial obligations** (see *Sacchi et al v. Argentina et al.*, but the requirements might need to be broadened).
- Intergenerational justice needs acknowledgment build on GC16 and 25.
- GC should be vocal about known harmful business practices and guide States to hold businesses accountable but also consider what children see as relevant remedies and accountability (see also HTCR-Practical implementation of realising children's rights through a healthy environment_2022-02-14 | Save the Children's Resource Centre).