



Centring Child Rights at COP28

Asks of UNFCCC Party Negotiators, prepared by members of the Children's Environmental Rights Initiative



Introduction

Children, representing one-third of the global population – and more than half of the population in many of the countries most exposed to climate impacts – are uniquely and disproportionately affected by the devastating consequences of climate change, due to physiological and developmental factors. According to the World Health Organization, a staggering 88% of the global disease burden associated with climate change is borne by children under the age of 5. Furthermore, children are the most affected stakeholders in terms of longer-term climate impacts. Climate change impacts are particularly acute for girls and other groups of children experiencing intersecting and compounding forms of discrimination and inequality.

Parties have agreed that States should, when taking climate action, respect, promote and consider the rights of children, as well as intergenerational equity.¹ However, this commitment has yet to translate into significant climate policy initiatives or investment. This is evidenced by the fact that less than half of Nationally Determined Contributions (NDCs) are child-sensitive,² and just 2.4 percent of major multilateral climate funds can be classified as supporting child-responsive programmes.³

Climate action policies, strategies and finance that overlook children's rights and wellbeing, such as their health, development, education and culture, risk magnifying hardships for this already-vulnerable demographic. It is, therefore, essential that child rights - including their right to participate - are integrated into climate action and the UNFCCC negotiations. This integration not only gives voice to the generation inheriting this planet but also ensures intergenerational equity and resilience. It will help shape policies that, while tackling climate change, also bolster responses to other issues that undermine their rights, from food and water insecurity, air pollution and biodiversity loss, to poverty, displacement and disruption to education and health services. Protecting child rights in climate action is a necessary step towards effective and enduring climate action and equitable solutions to our environmental crises.

This briefing sets out concise recommendations for Parties seeking to champion child rights at COP28. In particular, they are informed by new significant guidance emanating from the UN

¹ Decision 1/CP.1 (Paris Agreement)

² UNICEF, *Child-Sensitive Climate Policies for Every Child*, 2022

³ Children's Environmental Rights Initiative (CERI) coalition, *Falling short: addressing the climate finance gap for children*, 2023, <https://www.unicef.org/reports/addressing-climate-finance-gap-children>.

Committee on the Rights of the Child's General Comment No. 26 on children's rights and the environment with a special focus on climate change (see Annex).⁴

Transversal Engagement on Child Rights in the UNFCCC Process

Given the pervasive effects of climate change, and climate action, on all aspects of a child's life, it is evident that an elevated, transversal engagement on child rights is necessary within the UNFCCC process. Here are two basic steps that could allow for parties to give visibility to children's rights within the process:

- **Inclusion of Child Rights in Speaking Points and Statements:** All parties seeking to champion child rights in climate negotiation engagements should incorporate explicit reference to child rights in their speaking points and official statements. The inclusion of child rights as a focal point accentuates the urgency of addressing these rights and intergenerational equity, and encourages other stakeholders to acknowledge their importance.
- **Children's Distinction from Youth:** Whenever youth are mentioned in climate negotiations, it is crucial to specifically refer to children as well. The distinct rights of children require targeted action to address specific challenges, vulnerabilities and constraints faced by children, including age-specific vulnerabilities and obstacles in exercising and claiming their rights. Children should therefore not be subsumed in other, different groups, such as youth.⁵ Recognising this distinction ensures a nuanced approach in negotiation outcomes and action plans to the varied challenges faced across separate age demographics, including the specific risks and rights of children.

Specific COP28 entry points

The overarching goal of the following recommendations is to ensure that the rights of children, including the most marginalized and vulnerable hardest hit by the climate crisis, are adequately respected, promoted and considered in all aspects of climate action arising from the UNFCCC negotiations, as Parties committed to under the Paris Agreement.

In the medium term, it would be important to consider a more comprehensive programme of actions, perhaps similar to the Gender Action Plan or the Glasgow Work Programme on Action for Climate Empowerment, that could help to operationalise child rights across the UNFCCC. A group of champion countries would need to emerge to work with civil society, UN and other stakeholders to advance such a Children's Action Plan.

Entry Point 1: Cover Decision

As COP cover decisions go, the Sharm el-Sheikh Implementation Plan paid unprecedented attention to children. The decision recalled the preambular rights language contained in the Paris Agreement and paid particular attention to the importance of children's participation in the planning and implementation of climate action.⁶

It is proposed that the cover decision at COP 28 should build on the progress at COP 27 and **invite the Subsidiary Body for Implementation to convene an expert dialogue on children and climate change to consider how to strengthen climate action and intergenerational equity in this context.**

⁴ [General comment No. 26 \(2023\) on children's rights and the environment with a special focus on climate change | OHCHR](#)

⁵ Guidance note of the UN Secretary General (July 2023), 'Child Rights Mainstreaming'

⁶ Decision 1/CP.27, paras 51, 55.

This would be an opportunity to engage in an innovative intergenerational dialogue that can lead to transformative outcomes.

Proposed language for COP 28 cover decision:

- XX. *Recognizes* the particular vulnerability of children, due to their unique metabolism, physiology and developmental needs, to the effects of climate change, and that exposure to those effects can have a lifelong impact on children, as their health outcomes, well-being and development are compromised from an early age.
- XX. *Requests* the Chair of the Subsidiary Body for Implementation to convene an expert dialogue at its sixtieth session, to explore and assess relevant evidence and guidance for the design, planning, and implementation of climate action that respects, promotes and considers the rights of children; and reinforces the commitment to upholding children's rights in the broader context of the UNFCCC process.

The purpose of this dialogue would be to understand the implications of relevant evidence and data on children, build the capacity of Parties to respond, and share relevant knowledge and guidance on the design and implementation of child-responsive climate action for this uniquely vulnerable group. The implications of guidance, such as General Comment no. 26, could be explored, and other relevant opportunities sought to enhance policy coherence within the UN system.

Entry Point 2: The Global Stocktake

There can be no equity without the inclusion of children and their rights. The synthesis report on the GST technical dialogue emphasizes that a focus on inclusion and equity can increase ambition in climate action and support. Yet the report does not capture learnings from the Technical Dialogues on children or intergenerational equity. Parties can seek to "course correct" this omission through the final GST output, including through:

1. Recognition of children as a uniquely vulnerable group in need of special protection and investment, with particular attention to children experiencing intersecting and compounding forms of discrimination and inequality.
2. Calling for the collection, use and reporting of age- and gender-disaggregated data with a view to strengthening child- and gender-responsive climate action and policies, including Nationally Determined Contributions.
3. Highlighting the need for meaningful and safe participation of children in decision-making processes at all levels, recognizing their status as rights-holders and agents of change.⁷
4. Affirming that approaches to climate action must be aligned with countries' human rights obligations, including the UN Convention on the Rights of the Child, the Human Right to a Clean, Healthy and Sustainable Environment,⁸ and the principle of intergenerational equity.
5. Calling for the inclusion of a range of child-responsive measures across all ages in mitigation, adaptation, loss and damage, and climate finance.

Entry Point 3: Climate Finance

New research from the CERI coalition presenting the first-ever child-focused review of allocations by Multilateral Climate Funds serving the UNFCCC finds that just 2.4% of climate finance from these

⁷ Decision 1/CP.27, para 55

⁸ A/RES/76/300

sources can be categorised as child-responsive.⁹ Some funders are undertaking encouraging efforts, for example the Green Climate Fund, which is actively working with partners to bridge the climate finance gap for children, particularly in the areas of health and education. Parties should act to urgently address this gap:

1. **The Standing Committee on Finance (SCF):** Call for a comprehensive review of the SCF to ensure a stronger consideration of human rights, and specifically, children’s rights, in the mandate of the Committee. The SCF plays a crucial role in the coherence and coordination of climate financing and should be engaged to prioritize and protect the rights of children in climate action.
2. **Operating entities of the UNFCCC Financial Mechanism:** Call on board members of the operating entities of the financial mechanism to integrate child rights provisions of the Paris Agreement as they pertain to the Funds’ work and assistance to developing countries in meeting their climate action commitments.
3. **The New Collective Quantified Goal on Climate Finance (NCQG):** Call for an ambitious and child-responsive NCQG incorporating specific funding windows dedicated to delivering child and gender-responsive outcomes at the scale required.

Entry Point 4: Adaptation

The Global Goal on Adaptation (GGA) must advance understanding of key strategies required to enhance adaptation action, including through explicit focus on children and their rights. Parties should:

1. Integrate provisions that explicitly reference child rights and intergenerational equity under *general and cross-cutting considerations* in the GGA framework.
2. Recognize children as key stakeholders in climate action, to bolster *inclusive and participatory approaches*.
3. Identify targets for themes/sectors listed in Decision 3/CMA.4, prioritizing focus on the resilience of essential services as underlying determinants of children’s rights, including water, sanitation, health, nutrition (food and agriculture) and social protection (livelihoods).
4. *Add the education sector* as a theme.
5. Mandate the development of *age- and sex-disaggregated indicators* under the GGA, in order to capture needs and progress for children and other vulnerable groups.

Entry Point 5: Loss and Damage

Loss and damage caused by the climate crisis is one of the greatest intergenerational injustices that children face today. The recommendations below would embed child rights in the loss and damage finance governance and decision-making processes, contributing to more equitable and effective response to loss and damage.¹⁰

The Loss and Damage Fund:

1. Call for explicit reference to children and their rights in the governing instrument, accountability mechanisms and guidelines of the new Loss and Damage Fund.
2. Ensure that the Loss and Damage Fund is child-responsive, addressing children’s rights and intergenerational inequity by prioritizing children already experiencing the worst effects of Loss and Damage in their communities.
3. Call for a dedicated funding window for local communities/ The community window should provide grants and other forms of finance directly to children and their families, and

⁹ Children’s Environmental Rights Initiative (CERI) coalition, *Falling short: addressing the climate finance gap for children*, 2023, op. cit.

¹⁰ Children’s Environmental Rights Initiative (CERI) coalition’s submission to the Transitional Committee, *Climate Justice: Loss and Damage finance for Children*, 2023, <https://unfccc.int/sites/default/files/resource/Child%20Rights-LD%20briefing-11Aug2023.pdf>

organizations, thus making access to climate finance more inclusive, equitable and effective in addressing children's context-specific priorities.

Discussions on wider funding arrangements for loss and damage finance:

4. Ensure that children's rights as set out in the UN Convention on the Rights of Child, including the best interests of children, informs all financing decisions, recognizing differing age and gendered impacts and taking children's own views and recommendations into consideration.

Other Entry Points

1. **Just Transition, Child Rights, and Empowerment of Local Communities:** It is pivotal that the formation of the work programme on just transition, as established at COP27 (CMA.4), comprehensively embodies the necessity for this transition to uphold child rights. This includes the implementation of child- and shock-responsive social protection strategies, along with the eradication of child exploitation within the supply chains associated with climate response measures. Children's right to a healthy environment also implies that just transitions contribute to the conservation and sustainable use of biodiversity, safe and sufficient water, healthy and sustainable food, and non-toxic environments. Additionally, the substantial contributions made by caregivers, a pivotal part of our care economy, must not be overlooked, as well as that of Indigenous Peoples, forest dwellers and ocean-dependent communities/small-scale fishers.
2. **Agriculture, Fisheries and Food Security:** Advocate for the four-year Sharm el-Sheikh joint work on implementation of climate action on agriculture and food security, as well as discussions at the annual Bonn [Ocean and Climate Change Dialogue](#) to consider children's rights in terms of both food production and consumption, nutrition as well as cultural rights (as part of the proposed theme for the 2024 Ocean Dialogue on "incorporating gender-responsive and human-rights based approaches."). Ensuring that any ocean-based climate action promotes the protection of children's rights can also support alignment, recommended at the 2023 Dialogue, with the Kunming-Montreal Global Biodiversity Framework, which calls for "ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information by...girls, children and youth" (Target 22).

While the above focuses on the main agenda items for COP28, Parties must also continue to advance **ambitious implementation of the Glasgow work programme on action for climate empowerment (ACE) and its action plan**, and to **address the gender dimensions of climate impacts and action**.

Other Actions

- **Make provision for the inclusion of children in delegations.**¹¹
The decision reached at COP 27 underscores the indispensable role of children and youth as pioneers in tackling the pressing challenges of climate change. Parties to the UNFCCC should ensure that their obligations concerning children's right to be heard are incorporated in climate decision-making processes at national and international levels. Not only are their voices instrumental in shaping climate policies and interventions, but they also represent a tangible affirmation of intergenerational equity.
- **Special report on climate change and children**
With the focus on the links between children, future generations and climate change under other processes, parties could request the IPCC to produce a report on climate change and children, where children's right to a safe climate is considered fully.

¹¹ See, [A COP Fit for Children \(2022\)](#)

- **Child-friendly explainers of COP decisions**

To enhance children’s participation in the UNFCCC process, Parties should mandate the UNFCCC Secretariat, perhaps in conjunction with UNICEF, to produce accessible, child-friendly explainers of all COP decisions. This is not necessarily an activity that would require a decision but developing a mandate for it would increase visibility and ensure long-term sustainability.

explainer: Guidance from UNCRC General Comment 26 on Child Rights and the Environment, with a Special Focus on Climate Change

On 22 August 2023, the United Nations Committee on the Rights of the Child (CRC) adopted its [General Comment 26 \(GC26\) on child rights and the environment, with a special focus on climate change](#). The General Comment provides critical new guidance for countries globally, particularly those 196 States parties to the UN Convention on the Rights of the Child (UNCRC), on how to uphold the environmental rights for children amid the deepening triple planetary crisis.

In essence, GC26 offers a significant opportunity for countries to fulfil their obligations under the UNCRC by recognising the fundamental right of all children to a clean, healthy, and sustainable environment. It invites countries to prioritise climate justice, equity, and meaningful participation of children in environmental decision-making processes. By integrating child rights perspectives and enhancing accountability mechanisms, countries can ensure a sustainable and equitable future for their children amid the looming threats posed by the climate crisis.

Therefore, GC26 is not only relevant but crucial to the work of UNFCCC negotiators, as it provides a rights-based and equity-focused lens to approach climate action. It helps to ensure that all climate decisions safeguard the rights of the most vulnerable, particularly children, and secures a sustainable future for both current and future generations.

Further Information

The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive international agreement that sets out legal standards for the protection, survival, development, and participation rights of all children worldwide. Adopted by the United Nations General Assembly in 1989, it is the most widely ratified human rights treaty in history, underscoring the global consensus on the importance of children's rights.

The Committee on the Rights of the Child (Committee) is an expert body established by the United Nations to monitor and evaluate implementation of the UNCRC. Comprised of 18 independent experts, the Committee reviews States' compliance with their obligations under the UNCRC and offers recommendations to promote and protect the rights of children globally.

General Comments are instruments utilized by the Committee to provide detailed interpretations and guidance on specific articles or themes of the UNCRC. These Comments serve to clarify States' obligations under the UNCRC, offer a framework for policy development and legislative implementation, and ultimately enhance the realization of children's rights on a global scale.

The Human Right to a Clean, Healthy and Sustainable Environment was recognized by the [Human Rights Council](#) and [UN General Assembly](#) in October 2021 and July 2022 respectively.