

HUMAN RIGHTS & CLIMATE CHANGE: CONNECTING THE DOTS*

In June 2016, Unicef UK and UCL's Global Governance Institute convened a roundtable of international experts, drawn from various disciplines, to discuss how human rights apply in the context of climate change, the growing role of climate change litigation and concrete policy recommendations for next steps. This report serves as a summary of the event's discussions, which were held under Chatham House Rule.

It is by now beyond doubt that climate change adversely affects a broad range of human rights that are recognised and protected under international law. Rising sea levels, increasing temperatures, extreme weather and changing rainfall patterns are undermining an ever-increasing number of people and communities' rights to food, water, health, shelter, development, and even life. The UN Human Rights Council has emphasised these threats, and highlighted that these impacts are felt disproportionately by segments of the population in vulnerable situations,¹ including women, children, those living in extreme poverty, indigenous peoples, persons with disabilities, and displaced persons.²

However, despite this growing body of research, decisions and statements by human rights bodies on the interface between climate change and human rights – and States' obligations in this regard – human rights have continued to be underrepresented in international negotiations on climate change under the UN Framework Convention on Climate Change (UNFCCC), and in environmental policies and processes more broadly.

In this light, the Paris Agreement represents a decisive step forward. Following significant mobilisation by civil society for recognition of the human rights dimensions of climate change, the Agreement contains what has been described by the UN Special Rapporteur on human rights and the environment, John Knox, as "the strongest language on human rights of any global environmental treaty".³ The preamble to the agreement states:

"Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity."

This landmark achievement, secured in the face of significant opposition, is to be celebrated. Yet much work lies ahead to translate these words into action.

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¹ Human Rights Council resolutions 7/23 (March 2008); 10/4 (March 2009); 18/22 (October 2011); 26/27 (June 2014) and 29/15 (June 2015).

² See in particular the Report of the Office of the UN High Commissioner for Human Rights (OHCHR) on the relationship between climate change and human rights A/HRC/10/61 (15 January 2009); John Knox et al, *The Effects of Climate Change on the Full Enjoyment of Human Rights*, UN Special Procedures Report to the Climate Vulnerable Forum (30 April 2015).

³ <http://srenvironment.org/wp-content/uploads/2016/02/newsletter-16-8-February-2016-final.pdf>.

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Section 1 provides a brief overview of the human rights obligations of states and private actors in the context of climate change, and reviews the challenges of harnessing rights obligations in order to achieve sustainable and effective responses to climate change at the local level.3
Section 2 focuses on the mobilisation of human rights in climate litigation. It explores the role of human rights in climate justice and reviews notable case law, attempting to extrapolate patterns and strategic lessons. The role of other mechanisms, including National Human Rights Institutions, is also examined.6
Section 3 advances concrete next steps that can be taken at both the international and domestic levels to advance human rights in climate action.9
Section 4 explores child rights in relation to the environment in advance of the Committee on the Rights of the Child’s Day of General Discussion, taking place in Geneva on 23 September 2016.12

SECTION 1: CONNECTING THE DOTS – HUMAN RIGHTS NORMS, CLIMATE CHANGE & CLIMATE ACTION

State Obligations

A human rights lens shows how climate change is not merely an environmental, technical or scientific challenge, but also threatens the enjoyment of life. This was recognised by governments of Small Island Developing States in the 2007 Male' Declaration on the Human Dimension of Global Climate Change, and has since been reflected in a number of resolutions adopted by the Human Rights Council. Even if this rights-based approach has been largely limited to rhetorical effect to date, it had a real impact on the Paris negotiations. The example of the Climate Vulnerable Forum (CVF) illustrates the importance of this approach. The CVF's powerful advocacy, notably on the impact of a 2°C global temperature rise on their populations, demonstrated the massive human rights consequences of climate change.⁴ The Philippines, as chair of the CVF, based their intervention at the Paris negotiations on this evidence and helped secure the inclusion in the agreement of the stated ambition to limit temperature rises to 1.5°C.⁵

States' human rights obligations in relation to climate change can be categorised as follows:

- Procedurally, there are clear obligations under human rights law with respect to environmental protections. States have an obligation to provide environmental information and space for public participation in environmental decisions, protect rights of freedom of association and expression in relation to human rights and environmental defenders and provide access to remedies in the event of human rights violations, etc.
- Substantively, States' duties are not as clearly set out. For example, human rights bodies do not prescribe strict emissions ceilings, but highlight that States should undertake due diligence to protect individuals against harm, taking into account relevant international and domestic health and safety standards. States also have a responsibility not to weaken existing protections of human rights from environmental harm through related standards or regulations.
- Finally, States have heightened obligations to people who are particularly vulnerable to environmental harm, notably indigenous people, women, children, and people living in extreme poverty.

Private Actors

States are the primary duty bearers of human rights protection, but companies also have to undertake mitigation and adaptation actions based on human rights criteria. These responsibilities derive from a number of normative frameworks:

⁴ See for example, CVF, *20 Nations Call to Strengthen 2 Degrees Climate Goal* (published 1 May 2015, available at <http://www.thecvf.org/20-nation-forum-questions-unfccc-2-degrees-goal/>)

⁵ Ibid

- **The UN Guiding Principles on Business and Human Rights:** Endorsed in 2011 by the Human Rights Council, the Principles state that companies must avoid causing or contributing to adverse human rights impacts. The Principles are, however, a soft-law voluntary mechanism.⁶
- **OECD Guidelines for Multinational Enterprises:** These government-backed corporate accountability mechanisms set out clear standards for socially and environmentally responsible corporate behaviour and include an accountability mechanism.⁷
- **The International Bar Association's International Task Force on Climate Justice and Human Rights:** The July 2014 report includes full disclosure of climate impact by companies as well as sector-based initiatives.⁸
- **Sustainable Development Goals (SDGs):** While the SDGs do not actually prescribe human rights obligations for companies, they present an opportunity to more closely monitor business actions.

Promising examples of how corporate responsibility is being leveraged in the context of climate change include shareholder activism and 'naming and shaming' tactics towards the fossil fuel sector, which have proved successful in some cases. Tactics used by the Union of Concerned Scientists against Exxon recently demonstrated that the company manipulated science, communications and consumer psychology to shape the public debate on climate change. Coalitions of responsible investors have called on fossil fuel companies to increase transparency (Share Action is one organisation mobilising action in this space).

In the Philippines, the National Human Rights Institution (NHRI) is taking forward an inquiry into the responsibility of big fossil fuel companies for fuelling climate change that is resulting in human rights violations (see Section 2).

In the food and beverage sector, a ranking approach is one way that NGOs are trying to push corporate behaviour further along the spectrum. The 'Behind the Brands' campaign launched by Oxfam three years ago, for example, ranks the top ten food and beverage companies based on the fulfilment of their social and environmental obligations.

Beyond these examples, it should be noted that a hardening of the normative frameworks listed above is taking place in certain instances, through the contractual clauses of corporate supply chains.

Challenges in Connecting Human Rights and Climate Change on the Ground

Two recent clean energy projects illustrate the disconnect that persists between human rights and climate change at the community level:

- A Green Climate Fund (GCF) approved project on building the resilience of wetlands in the province of Datem del Marañón in Peru was presented to the GCF by the Peruvian Trust Fund for National Parks and Protected Areas (PROFONANPE). The aim was to reduce deforestation and carbon emissions in an area where 120 mostly indigenous communities live. The project had direct implications for their rights to

⁶ The Guiding Principles are available here:

http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁷ The Guidelines and related information are available here: <http://www.oecd.org/corporate/mne/>

⁸ The Report is available here:

<http://www.ibanet.org/PresidentialTaskForceClimateChangeJustice2014Report.aspx>

land, resources and prior consultation. However, any potential impact on the rights of these groups was not incorporated into the project.

- A Climate Development Mechanism (CDM) project involving the construction of a hydroelectric dam on the river Tabasara river in the Chiriquí province of Panama saw strong opposition among the indigenous Ngöbe and Buglé people. The dam will flood more than half a dozen townships along the riverbanks in the Ngöbe–Buglé territory, and thousands of people that rely on the river for their livelihoods will be displaced. These people were not consulted before the introduction of the project and community voices were ignored.

Both projects clearly demonstrate that rules for stakeholder involvement must be strengthened to ensure that those affected are consulted. One of the key challenges for local community groups affected by infringements of their rights is that discussions in these countries tend to be very compartmentalised, with human rights and climate change (or environmental) issues treated in different policy silos. Local communities need to be informed and supported, so that they possess the means to ensure a rights-based approach and hold their governments to account.

KEY INSIGHTS

- Human rights help ground our approach to climate change by highlighting what is at stake – existing human rights norms and fora should help sharpen our approach to climate change going forward
- Climate change is a collective action problem that needs to be addressed by both States and businesses
- It is important to think about creative ways of pushing companies further, including in terms of differentiating between types of businesses and types of incentives, and using new and innovative fora
- Clean energy projects frequently come into conflict with the rights of local communities in developing countries
- Despite progress made in the Paris Agreement, the connection between human rights and climate change is not yet sufficiently addressed at the domestic level
- The success of the Paris Agreement will depend on empowering local and domestic actors to improve practices on the ground and to hold governments to account for failures to act sustainably and effectively. This will require multi-jurisdictional, cross-sector collaboration between interested actors, and the deployment of a range of strategic tools.

SECTION 2: LEGAL APPROACHES TO MOBILISING RIGHTS IN CLIMATE CHANGE

Litigation has been increasingly deployed in the context of climate justice. The roundtable session sought to identify key trends and strategies in climate change litigation, to explore how human rights have been mobilised, and to inquire into the role of various actors within the human rights architecture in holding state and corporate actors accountable for infringing human rights in the context of climate change.

Notable Case Law

To date, numerous cases have made explicit reference to human rights but very few have turned on a rights-related point of law. However, the following cases are particularly noteworthy:

- In *Urgenda Foundation v The Kingdom of the Netherlands* [2014], the plaintiffs successfully brought a claim in tort against the Dutch government in a domestic court, arguing that by failing to adequately regulate and curb greenhouse gas emissions, the state was committing the tort of negligence against its citizens. The court referenced a Council of Europe manual on human rights and the environment, and noted specifically that ECHR case law increasingly considered human rights and environmental law mutually reinforcing.
- In *Ashgar Leghari v. Federation of Pakistan* [2015] a Pakistani farmer sued the national government over its failure to carry out its National Climate Policy and Framework, claiming that the Government's failure infringed upon his right to life and endangered water, food and energy security. The Court held that: 'the right to life, right to human dignity, right to property and right to information... provide the necessary judicial toolkit to address and monitor the Government's response to climate change'.
- In *Youth Plaintiffs v US Federal Government* [2016], more commonly known as the 'Our Children's Trust' case, the plaintiffs allege that, by permitting, encouraging and otherwise enabling the continued exploitation, production and combustion of fossil fuels, the federal government has violated the younger generation's constitutional right to life, liberty, and property, and failed to protect essential public trust resources. In April 2016, the District Court dismissed motions to dismiss the case, finding that there was a prima facie case to be answered. The case will be heard in September 2016.

Strategic Trends in Climate Litigation

The cases above mark the first wave of cases weaving together human rights and climate change. As this is a relatively new phenomenon, forming a consistent narrative on the strategy or outcome of climate change litigation is premature. Litigation has been used as a tool to serve many different purposes, in various contexts, and accordingly has yielded inconsistent results.

In the United States, for example, climate change litigation has been commenced as a strategic means of affecting regulation, stemming from the Supreme Court's landmark decision in *Massachusetts v EPA* [2007], in which the state of Massachusetts successfully petitioned the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions under its obligations under the Clean Air Act. By contrast, the focus of litigation in non-US jurisdictions has been on specific projects or the implementation of existing climate change policies.

Although the incidence of climate change litigation has increased, with a pipeline of cases forthcoming in the United States, two main barriers prevent the floodgates of legal action opening completely. Historically, climate litigation often fails at the 'causation' stage. Recent cases have seen innovative approaches to tackling this causal gap. In *Urgenda*, the court accepted the plaintiff's reliance on statements by the Dutch government on climate change. In *Lliuya v RWE* [2015], the plaintiff successfully relied on the reports of the Intergovernmental Panel on Climate Change (IPCC) to establish causation, and the Institute of Climate Responsibility in calculating quantum. However, despite these innovative attempts to overcome traditional hurdles of climate litigation, some jurisdictions remain resistant to climate-related legal cases.

The majority of climate litigation to date has taken place in the United States, where courts are increasingly receptive to accepting jurisdiction of such cases. By contrast, the legal and political context in other jurisdictions provides less fertile ground for litigation. In Thailand and Myanmar for example, climate litigation has involved the government suing citizens in order to evict them from their land to make way for biofuels. In India, although the right to life has been framed in terms of a right to a healthy environment, NGOs have been shut down for advocating that position. It seems unlikely that a case pleaded on the basis of climate change and human rights would currently have success in these domestic courts.

To Litigate or Not to Litigate?

Given asymmetric juridical and political contexts, individuals, campaigners and NGOs must exercise prudent judgement and assess the merits of litigating on a case-by-case basis. When successful, litigation can provoke legislative or regulatory changes, compel or preclude a government or corporation from acting in a particular way, and raise awareness of the issue being litigated. However, successful litigation firstly requires getting through the court door. Potential claimants must carefully review the 'legal opportunity structure' in a particular jurisdiction, and the extent to which that legal system is open to hearing this type of claim. Certain jurisdictions may offer greater protection of civil and political rights, but are deficient in protecting economic, social and cultural rights. Claimants must be aware of 'who' can get protection for 'what' in any given jurisdiction, and also be aware of the potential financial burden stemming from commencing litigation. Further, unsuccessful legislation could also set a negative precedent – a salient concern in a common law jurisdiction – or indeed provoke a legislative backlash. In short, litigation requires the right legal, social and political contexts for success. For many, such contexts do not yet exist.

Alternative Strategies

In circumstances where a claimant has little prospect of winning a case, litigation may still serve as an attractive strategy due to the attention and scrutiny a claimant can bring. Nevertheless, it is not the only tool available to serve those ends. Shareholders of Exxon and Chevron tabled climate-related resolutions at their respective Annual General Meetings ranging from the need for a 'stress-test' of how the company's portfolio aligns with a 1.5°C-2°C degree future, and the appointment of an environmental specialist on the company's board. Although the resolutions were narrowly defeated, it is likely that shareholders will generally be more sensitised and emboldened to table climate-related motions in future.

Further, given the symbiotic relationship between human rights and climate change, NHRIs accept invitations to investigate cases – including some which may struggle to meet the standing and justiciability requirements of commencing litigation. The Philippines Commission on Human Rights (CHR) is a flagship example of a proactive NHRI willing to work together with civil society, and indeed both the private and public

sector, in tackling breaches of human rights resulting from nefarious climate-related behaviour. It is an independent, constitutional body designed to investigate breaches of civil and political rights, operating in a vulnerable country that has experienced the worst effects of climate change. It is empowered to scrutinise legislation and administrative laws in its investigations, and draws on the expertise of the government, as well as technical experts, and civil society in conducting its investigations. In December 2015, CHR accepted a petition advanced by Greenpeace and announced that it would launch an investigation into 50 companies, the so-called 'Carbon Majors', that are among the world's largest emitters of CO₂ and methane gas.

An adverse finding by an NHRI could provoke legislative or regulatory changes or could compel the government to act to constrain the infringing party. Further, an adverse finding will almost certainly result in negative publicity, and the naming and shaming of the wrongdoer. NHRIs can also be involved in the proactive drafting of climate and rights-based strategies. The Scottish Human Rights Commission (SHRC), for example, drafted and implemented a National Action Plan on Human Rights, a strategic agreement between the Scottish Government, the SHRC and civil society, which explicitly "provides a process for agreeing and overseeing the next steps in sharing Scotland's experience in climate justice and putting a human rights based approach to climate change into practice".

The obligation of signatories to the Paris Agreement to produce Intended Nationally Determined Contributions (iNDCs) provides further opportunities for NHRI involvement. Following Urgenda, it is theoretically possible to bring a claim in tort against a state for a governmental failure to reach its self-imposed emissions targets, and to rely on a government's previous comments on the existence and effects of climate change in order to prove causal damage.

KEY INSIGHTS

- Climate and human rights litigation is still nascent. It is too early to extrapolate definitive conclusions from the conduct of proceedings to date, but early results leave room for cautious optimism
- Climate and human rights litigation can be a very useful tool in certain contexts and in pursuit of particular aims. Its success is dependent on a fertile social, political and legal context, and potential claimants should be minded to consider the legal opportunity structure of a particular jurisdiction
- To date, human rights have been mentioned in a number of climate-related cases, but few of those cases have turned on a point of human rights. As the discourse around climate change and human rights considers the two issues to be ever more symbiotic, it is likely that a wave of human rights-specific climate actions will follow
- Potential claimants – such as individuals or NGOs – should also be aware of alternative fora for advancing their issue in circumstances where the burden of proof or costs of legal action are prohibitive. These include National Human Rights Institutions (NHRIs) or leveraging shareholders to table climate and rights-friendly resolutions
- Nevertheless, litigation remains an important method of holding governments to account. Given the nature of the Paris Agreement, it could prove an effective strategy in ensuring that national governments respect and adhere to the emissions target they set.

SECTION 3: RECOMMENDATIONS FOR ADVANCING HUMAN RIGHTS IN CLIMATE ACTION

Implementation of the Paris Agreement, combined with other major international frameworks adopted in 2015, such as the 2030 Agenda for Sustainable Development, and the Sendai Framework on Disaster Risk Reduction 2015-2030, present critical opportunities to integrate human rights in overall environmental governance.

Translating words into action will require a multi-pronged strategy by various actors, at the international and national levels. The following table is by no means exhaustive, but rather an important starting point. Together, these mutually re-enforcing efforts can be much greater than the sum of their individual parts, particularly if they are coordinated strategically at the global level and across various fora. There are three key areas for immediate focus:

- Urgent and ambitious action is required now to constrain global temperature increases to 1.5°C degrees to limit harm to the most vulnerable communities. The science is clear that there is only a short window of opportunity to achieve this over the next five years⁹
- Stronger and clearer recognition that human rights obligations apply with regards to climate change action and the need for accountability in specific cases
- Ensuring access to information, full participation and access to climate decision-making at international, national and local levels.

FORUM/THEMATIC	ACTION REQUIRED
United Nations Framework Convention on Climate Change (UNFCCC)	<ul style="list-style-type: none"> • Consider new mechanisms to build capacity and understanding of how human rights can be integrated in climate action, such as an UNFCCC in-session workshop and/or Work Programme to conduct research, compile best practice, and develop guidelines/recommendations. • Improve policy coherence between UN climate framework and other international frameworks that determine implementation (e.g. through International Financial Institutions). • Call for States to consistently incorporate consideration of human rights criteria and safeguards at international, national and local level, e.g.: <ul style="list-style-type: none"> - Aligning national policies with human rights obligations across a fragmented range of climate targets, from intended Nationally Determined Contributions (iNDCs) to National Adaptation and National Mitigation Plans. Policies should also be coherent with national development plans/SDGs implementation - Ensuring access to information, full participation and access to climate decision-making at all levels - Development of modalities for the new Sustainable Development Mechanism provides an opportunity to incorporate lessons from its predecessor, the Clean Development Mechanism, which had no social safeguards. The Adaptation Fund represents a good

⁹ See for example [Carbon Brief](#), *Analysis: Only five years left before 1.5C carbon budget is blown*, Published 19 May 2016 (analysis based on IPCC Synthesis report and Global Carbon Project Data)

	<p>model for replication)</p> <ul style="list-style-type: none"> - Incorporating explicit consideration of human rights impacts in the global stocktake - Incorporating human rights in UNFCCC reporting guidelines (when these are reviewed) - Reporting to the UNFCCC in National Communications and biennial reports on how States are addressing the human rights-climate change nexus.
Human Rights Council (HRC) and UN treaty bodies	<ul style="list-style-type: none"> • Increase coherence between the UNFCCC and Human Rights Council and treaty bodies, strengthening communication and avenues for exchange between these fora, including inputs to UNFCCC global stocktakes • Call for treaty bodies to feed into monitoring of climate-related commitments in other frameworks, including SDGs, as per the example set by Committee on the Rights of Child linking children’s rights, climate change and SDGs in its recent Concluding Observations to the UK¹⁰ • Call for HRC and treaty bodies to consistently consider and address climate change in monitoring and periodic reviews of States, including through the HRC Universal Periodic Review process • Call for treaty bodies to consider drafting recommendations/a General Comment on the environment and climate change to further clarify obligations and action required.
Intergovernmental Panel on Climate Change (IPCC)	<ul style="list-style-type: none"> • Leverage IPCC work to connect across UN bodies and promote human rights and climate change linkages. Encourage IPCC to research food security and land-grabbing issues related to renewable technologies, due to concerns from vulnerable groups relating to these technologies • Draw on IPCC report on impact of 1.5°C to foster evidence-based advocacy.
Private Sector	<ul style="list-style-type: none"> • Call on the private sector to incorporate climate change in its human rights due diligence processes and reporting on impacts across business operations and supply chains • Explore innovative strategies for engaging the private sector: shareholder activism, naming and shaming, calling for contractual clauses that embed normative frameworks.
2030 Agenda for Sustainable Development (SDGs)	<ul style="list-style-type: none"> • Leverage the SDGs by highlighting that climate change is the greatest threat to human rights and can make or break SDGs progress – reference to impact of overshooting 1.5°C target and Leave No One Behind Agenda • Advocate for SDGs monitoring, follow-up and review mechanisms to incorporate rights-based indicators in relation to climate action. Given the overlap between the SDGs and the climate justice agenda, much of the data collected will be relevant across disciplines • Propose closer cooperation between civil society groups working on SDGs and the human rights dimensions of climate change.

¹⁰ UN Committee on the Rights of the Child, [Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#) (Published 12 July 2016)

Geneva Pledge for Human Rights in Climate Action	<ul style="list-style-type: none"> • Push for further expansion of the Geneva Pledge, and explore inter-agency support to unlock resources.
Data & Accountability	<ul style="list-style-type: none"> • Collate comprehensive statistics and disaggregated data. The inherent difficulty of protecting particularly vulnerable groups, and advocating their cause, is exacerbated by the lack of available data. Civil society, NHRIs and UN country offices can play a crucial role in collecting and disseminating data • Consider litigation as a method of holding governments and corporations accountable for breaches of human rights and failures to achieve stated climate targets. The Urgenda case has set a precedent that is being replicated in several jurisdictions around the world • Recognise that alternative fora – such as national human rights institutions – may effectively complement existing litigation, or be used as an alternative when litigation is unfeasible. As independent, often constitutionally-created bodies, they are able to investigate allegations of rights infringements and make recommendations, inducing negative publicity and compelling governments to act • Work with Parliaments to embed international norms in domestic legislation, and to enact laws that reflect the provisions of international agreements • Work with civil society and the media to monitor governmental and corporate actions.
Capacity-building/ Education	<ul style="list-style-type: none"> • Call for education on the consequences of climate change, its link to human rights and the importance of immediate action. The Philippines has introduced climate justice to their curriculum, and other best practice examples exist¹¹ • Develop information packages on human rights and climate change to build awareness and promote integration at the implementation level • Call on UN agencies and bodies to support capacity-building in this area, e.g. UNITAR could develop an online course for governments and other actors on applying human rights in climate action, e.g. in relation to national adaptation plans. New UNDP guidance on implementing NDCs should incorporate rights-based approaches.
Campaigning and movement-building	<ul style="list-style-type: none"> • Push for a consistent narrative on climate justice which incorporates human rights • Recognise and react to the local context. An NGO with the ultimate aim of fulfilling rights on the ground may focus on rights procedures rather than using explicit rights language • Mainstream human rights in campaigning on issues like fracking, bringing global issues to the local level.

¹¹ For further examples see UK Committee for UNICEF (2015), *‘Children and the Changing Climate’*: http://www.unicef.org.uk/Documents/Campaigns-documents/Unicef_2015childrenandclimatechange.pdf which contains a compilation of nine best practice case studies from around the globe of child-focused climate action initiatives, including child-led policies and actions.

SECTION 4: CHILD RIGHTS & THE ENVIRONMENT

Children are one of the groups most impacted by environmental degradation and climate change. From malnutrition and the spread of vector- and water-borne diseases, to physical and psychological trauma during and after severe weather events, children are affected in different ways, and more profoundly, than the population as a whole. It is crucial to reframe climate change as a child rights issue, and to emphasise that children are rights holders, in addition to being a vulnerable group.

The Convention on the Rights of the Child is the only international human rights convention that mentions environmental issues specifically¹² and therefore provides an important entry point for further institutionalisation of the connection between climate change and human rights. The Committee on the Rights of the Child's (CRC) decision to dedicate its Day of General Discussion (DGD) to the topic of 'Child Rights & the Environment' in September 2016,¹³ reflects the Committee's proactive approach to enhancing understanding and advancing on this agenda. The DGD is expected to result in a number of recommendations to be taken forward by States and other actors. Civil society has signalled strong support for the CRC to develop a General Comment in this area, in order to clarify the obligations of States and other actors, and to strengthen coherence between policies addressing child rights and the environment respectively.

In parallel to the work of the CRC, other recent developments in this field are encouraging, including:

- Explicit recognition of children's rights applying in the context of climate action in the Paris Agreement
- The Human Rights Council's 2016 annual resolution on climate change and human rights, mandating a panel discussion and analytical study on children's rights and climate change in 2017 (A/HRC/32/L.34)
- An OHCHR expert meeting on climate change and human rights, including consideration of child rights (October 2016)
- The work of UN Special Rapporteurs, including a study by the Special Rapporteur on Hazardous Substances and Wastes on the rights of the child and hazardous substances and wastes (due to be presented to the 33rd session of the Human Rights Council in September 2016),¹⁴ and an intended study by the Special Rapporteur on Human Rights and the Environment on children's rights in 2018.¹⁵

These developments present important opportunities to shape the development of norms on child rights and the environment. There is a range of complex questions outstanding that demand innovative and impactful solutions.

¹² Right to Health (Article 24) and Goals of Education (Article 29)

¹³ <http://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2016.aspx>

¹⁴ <http://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/TheRightsoftheChildandHazardousSubstancesandWastes.aspx>

¹⁵ The UN Special Rapporteur intends to address questions that include: how human rights law takes into account the impacts of environmental harm that may not be felt for many years, obligations towards future generations in light of climate change, children's rights to information and participation in the context of environmental issues, and the particular situation of vulnerable children such as indigenous groups or those affected by poverty.

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