

Article published in *EXPRESSO NEWSPAPER*¹

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Original Language: Portuguese

Date: 9 February 2021

Link:

<https://expresso.pt/opiniao/2021-02-09-As-alteracoes-climaticas-sao-uma-violacao-dos-Direitos-da-Crianca-precisamos-de-um-esforco-global-partilhado>

Climate Change is a violation of children`s Rights. We need a joint and global action

A few hours after the inauguration of the new US Administration, President Joe Biden signed a decree on the country's return to the Paris Agreement, assuming "we will fight climate change like we have never done before." This decision was welcomed by the world's top leaders, including UN Secretary-General António Guterres, who had already called for new and "ambitious" targets for 2030 on the occasion of the Climate Ambition Summit in December, which coincided, by the way, with the 5th anniversary of Paris Agreement, calling on world leaders to do what is necessary to ensure a future for their children and grandchildren, given that the world "is not yet on track" to halt climate change.

This message, already repeated on other occasions, has found an echo in the growing movement of children and young people around the world, spurred on by the young Swedish activist Greta Thunberg, to call on governments around the world to take urgent action to combat climate change. We rarely consider this issue as a violation of the rights of the child as enshrined in the UN Convention on the Rights of the Child (CRC), which states parties have committed to abide by upon ratification. No country is fulfilling its obligation to guarantee the younger generation a sustainable future, but it is the poorest countries that have the hardest time guaranteeing healthier lives for their children, as stated in the findings of the 2020 report "A Future for the World's Children?" by UNICEF, WHO and The Lancet publication.

The numbers are not deceiving. The WHO reports that 1.7 million children die each year due to harm resulting from environmental degradation. As climate change advances, this number will increase dramatically. By 2050, 24 million more children are expected to be affected by the climate crisis. Each year, 600,000 children die as a result of air pollution and 800 million are poisoned with lead, a highly toxic heavy metal with irreversible impact on children's health and development as the harmful consequences follow children throughout their lives.

This picture contrasts with the improvement over the last decades in health care, nutrition, education, which are now at serious risk of starting to regress, largely due to climate change, aggravated by the current pandemic crisis that threatens fundamental rights, putting at risk the future of all children in the world. Countries are therefore required to take urgent action by placing children/youth at the center of their national environmental policies and contributing to the shared global effort to enable them to access their rights now and a livable planet in the years ahead.

The report "UN75 The Future We Want, The UN We Need", launched in September 2020 by the United Nations on the occasion of its 75th anniversary as a result of a global consultation, states that children and young people identify the climate crisis and the destruction of the environment as the main threat to the present and future of the planet. It is noticeable that the European Union (EU) is beginning to assume an important role in this area, having reached an agreement on the eve of the Climate Ambition Summit to reduce the bloc's greenhouse gas emissions by at least 55% by the end of the decade, a year after the announcement of the European Ecological Pact, a program that aims to guide the transition to a greener economy. The decision falls under the Climate Act to legally bind the 27 member states to achieve carbon neutrality by 2050.

More is needed. It also involves the EU and its member states putting children/youth at the center of European and national environmental policies on development, environment and disaster risk reduction.

On the other hand, and according to the UN Rapporteur on Human Rights and the Environment, countries should ensure cross-cutting coordination of the commitments made under the Paris Agreement and the Sustainable Development Agenda, in addition to those provided for in the CRC by defining an integrated approach that respects the rights of children. Furthermore, it is essential to ensure children's participation

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in decision-making in environmental matters through consultative mechanisms and appropriate environmental education, in addition to ensuring that children have access to effective remediation of the action or inaction of environmental damage caused, including by companies. Finally, it is important to improve knowledge of the relationship between climate change and children's rights by collecting disaggregated data, conducting impact studies and promoting cross-sectoral cooperation with consultation and reporting mechanisms in place.

The CRC is among the few human rights instruments that explicitly requires states to take measures to protect the environment (articles 24 and 29), ensuring the right of the child to the enjoyment of the highest attainable standard of health and education. The Paris Agreement, for its part, points out (preamble) the commitment of States to respect, promote and take into account their obligations concerning the rights (...) of children when taking action on climate change.

States' obligations in relation to the environment apply particularly to children's rights, as children are especially vulnerable to environmental damage and often unable to protect their own rights. This scenario of urgent attention and action by Governments has been a growing subject of periodic review sessions of the commitments of countries' obligations under the Convention by the UN Committee on the Rights of the Child, including a new General Comment being drafted.

The growing mobilization and participation of children and young people in defense of the right to a healthy environment, as a way to ensure a more sustainable environment for future generations, is therefore irreversible and Governments and Institutions must be prepared to respond effectively to their demands. An example of this are the two international complaints filed by two groups of children protesting against the lack of governmental action on the climate crisis in clear violation of their fundamental rights, in the first case, in 2019, before the United Nations Committee on the Rights of the Child, and in the second case, in 2020, before the European Court of Human Rights, by a group of six Portuguese children and young people against 33 countries (all EU countries, including the United Kingdom, Turkey and Ukraine). The filing of the case comes after Portugal recorded the hottest July in ninety years. Four of the youngsters live in Leiria, one of the regions most affected by the forest fires that killed more than 120 people in 2017; the other two live in Lisbon where, during August 2018, a record temperature of 44 degrees was set.

As Portugal is one of the targeted countries, it is considered fundamental that visible steps are taken to put children's rights at the center of national environmental policies, setting a clear example to its European and global partners of wanting to contribute to Portuguese children having access to their rights now and to a livable planet in the years to come.

To begin with, the draft Basic Law on Climate, under discussion in the Portuguese Parliament, will be a lost opportunity if fundamental rights, in general, and children's rights, in particular, are not a transversal vector of the diploma, which currently does not happen!

There is no doubt about it. The relationship between environmental right and human rights, particularly children's rights, is clear, both in its content and in the simple fact that environmental degradation generates human rights violations. We realize that environmental right and human rights strengthen each other mutually and, ultimately, one cannot exist without the other.

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