

ENOC SYNTHESIS REPORT

CHILDREN'S RIGHTS AND CLIMATE JUSTICE

Aoife Daly and Laura Lundy



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This report seeks to examine the extent to which **children can access climate justice**, and how the European Network of Ombudspersons for Children (ENOC) can contribute further in this area.



About the research:

- Data was collected via a scoping survey across the ENOC membership in 2022
- 43 institutions in 34 countries within the Council of Europe were examined, 22 of which are EU countries.
- Questions were asked about children's environmental rights, including complaints/redress 29 responses were received.



Ombudspersons are public officials who address concerns (such as administrative abuse or maladministration) that citizens or groups have about organizations or bureaucracies. They act as mediators and provide a dispute resolution.

Upholding the Best Interests of Children via Public Assessment/diagnosis of the Impact of the Climate Crisis

- The **right of children to have their best interests considered (CRC Article 3)** is a crucial right.
- **Collecting data on children** (e.g. how many children live near severe pollution), is an impact part of the best interests principle.
- Example of **good practice**: In April 2019, **Wales** declared a climate emergency. The government did an "impact assessment" (a process that evaluates the state of a situation and proposes actions for improvement) to see the impact of climate change on children's health and wellbeing. Bad impacts on the health of children were found.



Upholding the Best Interests of Children through the development of national/regional climate action plans/policies

- States must explain **how the principle of the best interests of the child has been respected in a particular decision**, 'that is, what has been considered to be in the child's best interests; what criteria it is based on; and how the child's interests have been weighed against other considerations' including in 'broad issues of policy'.
- Example of **good practice**: In **Ireland's** Climate Action Plan 2021, children were consulted. The plan contains commitments to children's participation and education.





Ombudspersons Upholding Children's Rights in the Climate Crisis

- Children should know about Ombudspersons and how to access them.
- Example of **good practice**: The Office of the Ombudsman for Children of the Republic of **Croatia** takes complaints of violations of children's environmental rights. The complaints have included those on air quality, noise levels, and hazardous waste.

Other important environmental human rights for children:

- There is an obligation to **ensure that children's education should promote knowledge and respect for the rights in the CRC** itself.
- States Parties agree that the **education of the child shall be directed to the development of respect for the natural environment** (Article 29(1)(e), CRC). In 2022, Wales introduced a new national curriculum. Learning outcomes were related to the environment and climate emergency and human rights.
- Children have a **right to both get information on the issues** (in a form they understand); **AND share their own views** and information freely. In Ireland, the initiative Youth Voices led by ECO-UNESCO gives young people the opportunity to have their thoughts, quotes, survey responses and videos about climate change and the environment published on the organisation's website.
- Article 12(1) CRC means that children have a **right to be heard**. Governments must create opportunities for the involvement of children in public decision-making. In Velsen, the Netherlands, they held a Children Climate Summit with children's ideas to prevent further climate change. A 'Velsen Treaty' was created and presented to parliament.
- Article 15 CRC recognises children's **right to work with others to form their own associations**, like Fridays for the Future. States must remove age-based discriminatory practices that stop children coming together. For example, in Croatia the founder of the association can be a person over 14 years. In Cyprus, the police make special arrangements regarding the security of children and regulates the traffic circulation.



The Right of Children to Access Justice Mechanisms

- Under A12 CRC, **States should ensure that children have access to procedures that meet basic requirements.** These include impartiality, independence, affordability, transparency, and fairness.
- **Decisions should be made public** and should be enforced promptly and effectively.
- Guidance should be provided about **how access to justice can be sought**, and children should be assisted to overcome obstacles to accessing justice such as language, poor literacy, expense and geographical distance.
- Example of **good practice**: in **Georgia**, it is possible for a child to file a complaint at any level. A Child's Rights Code, provides States procedures and mechanisms adapted for children. It includes forms for applying to the Public Defender of Georgia and for filing complaints.



This report informed the ENOC Position Statement
"Children's Rights & Climate Justice"



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