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In Response to General Comment No. 26: “Children’s Rights and the Environment, with a Special Focus on Climate Change” from the Committee on the Rights of the Child

Amsterdam, Netherlands—In February 2023, attorneys from Our Children’s Trust [submitted comments](#) on the draft of [General Comment No. 26](#), “Children’s Rights and the Environment with a Special Focus on Climate Change,” as prepared by the [United Nations Committee on the Rights of the Child](#) (Committee). Today, the Committee published its final comment which aims to offer authoritative guidance on States’ obligations to uphold children’s rights in the context of the deepening climate crisis.

While General Comment No. 26 reinforces and makes explicit a child’s fundamental right to a clean and healthy environment, it falls short on addressing children’s climate rights. Instead of calling upon States to take bold and systemic action within the urgent timeframe needed to restore the stability of the climate system and protect children’s rights, the Committee reiterated the call upon States to mitigate climate change in accordance with the politically-negotiated Paris Agreement: to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C.

Scientific evidence finding that allowing temperatures to rise to, and remain at, the 1.5°C target is not safe—especially for children—was accessible to the Committee. The first source of scientific evidence confirming this fact comes from the UN’s own scientific body, the Inter-governmental Panel on Climate Change (IPCC). Consider this timeline:

- In 2018, the IPCC stated, “[A] temperature rise 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*)”.
- In 2022, the IPCC stated, “[g]lobal warming, reaching 1.5°C in the near-term, would cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans (*very high confidence*).”
- In 2023, the IPCC stated, “Risks and projected adverse impacts and related losses and damages from climate change will escalate with every increment of global warming (*very high confidence*). They are higher for global warming of 1.5°C than at present, and even higher at 2°C (*high confidence*).”

Additionally, numerous scientific studies accessible to the Committee not only document—but resoundingly warn—that 1.5°C is too much for too many. The scientific research finds that instead of aiming for a temperature target, the world must limit atmospheric CO₂ to ~350 parts per million (ppm) to stabilize the global climate system. Atmospheric CO₂ is already measured at 419 ppm, which has resulted in average global heating of ~1.1°C to 1.3°C. In other words, the world is already in an overshoot scenario. Sanctioning heating to 1.5°C, correlates with an increase of parts

per million of CO₂ in the atmosphere to an even higher and more deadly level resulting in serious and grave harms, especially for children.

Even without scientific evidence, the impacts of our existing destabilized climate system on children are clear. As underscored above, the world is at ~1.1°C to 1.3°C of warming over pre-industrial levels and, every week global media file reports on one climate-related tragedy after another. It is an irrefutable scientific fact that these harms will only increase with more heating.

“General Comment 26 is not only a missed opportunity, it also misses the mark,” said Kelly Matheson, Deputy Director of Global Climate Litigation for Our Children’s Trust. “The Committee on the Rights of the Child could have called on States to take science-based action to protect the fundamental rights of children. Instead, they blanketed the Comment with a dangerous contradiction. On one hand, the Committee asks that States’ mitigation objectives and measures ‘be based on the best available science’ and suggests that the objectives be ‘regularly reviewed.’ On the other, the Committee only calls on States to meet the outdated, non-science-based, politically agreed-upon mitigation targets that have not been reviewed by climate negotiators since 2015. Eight years is a long time in the field of climate science. Further, the Committee calls for States to ‘protect children from misinformation’ and then goes on to provide misinformation within the Comment by implying that 1.5°C is protective of children’s rights. The scientific truth is this— 1.5°C of heating endangers children’s lives and health across the planet.”

The Committee also made a strong appeal for access to justice, calling on States to provide “access to justice and pathways for children”, to remove “barriers for children to initiate proceedings themselves”, to provide mechanisms for “claims of imminent or foreseeable harms and past or current violations of children’s rights”, and to provide children with the “opportunity to be heard in judicial or administrative proceeding affecting them”.

While this strong appeal fortifies the procedural right to access justice and is critical to honor substantive human rights, the call comes at a time when the UN’s own Court, the [International Court of Justice](#) (Court), has barred the participation of young people in the [Advisory Opinion](#) process examining the “obligations of States in respect of climate change”, a process and opinion that is of serious importance to the lives and rights of young people. While the Committee does not serve as an advisor to the Court, this is a clear contradiction within the UN system.

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Our Children’s Trust is the world’s only nonprofit public interest law firm that exclusively provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth’s climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. ourchildrenstrust.org