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To the Human Rights Committee

125th session, 4th to 29th March 2019, Geneva

Submission for the preparation and adoption of List of Issues Prior to Reporting, Finland

This submission, intended for the preparation and adoption of the List of Issues Prior to Reporting (LOIPR) for Finland, wishes to draw your attention to children's environment-related rights in the context of Article 24, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR). Article 24, paragraph 1 provides the following:

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

This submission argues that in the light of the UN system as a whole and recent research on human rights and climate change, the expression "measures of protection as are required by his status as a minor" should be interpreted to cover measures aiming at reducing global warming to 1,5 degrees maximum in order to be able to fully safeguard the implementation of Article 24 ICCPR and the rights of the child. *It is therefore proposed that concerning Article 24, the Government of Finland should explain in their report what kind of measures of protection the Government has taken as required by the status of every child as a minor in order to guarantee the implementation of this right in times of climate change.*

This proposal is based on the following arguments:

1. *Human activities have been substantially increasing the atmospheric concentrations of greenhouse gases.* This has been confirmed in, among others, the United Nations Framework Convention on Climate Change (UNFCCC) as well as in the Global Warming of 1.5°C Report by the Intergovernmental Panel on Climate Change. Climate change requires a global response, which is why governments must act in order to reduce global warming to 1,5 degrees and to minimize the foreseeable long-term harms caused by climate change.
2. *Climate change is a human rights question.* States have an obligation to respect, protect, fulfil and promote all human rights for all persons without discrimination. Climate change has an impact, both direct and indirect, on various human rights. The Office of the High Commissioner for Human Rights (OHCHR) has underlined the obligation of States to take effective measures to prevent and redress these impacts. States therefore have the obligation to mitigate climate change and to ensure that all rights-holders have the necessary capacity to adapt to the climate crisis. Failure to take measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, breaches this obligation according to the OHCHR.¹

¹ Understanding Human Rights and Climate Change. Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change, p 10

3. *From a human rights perspective, responses to climate change have to take into account the rights of the most vulnerable.* Climate change affects people everywhere, but those who have contributed the least to greenhouse gas emissions are the most affected. Children and future generations are a good example of this.² The UN Human Rights Council has expressed concern that climate change has adverse effects on the full enjoyment of all human rights and called upon all States to adopt a comprehensive, integrated and gender-responsive approach to climate change adaptation and mitigation policies particularly to support the resilience and adaptive capacities of women and girls.³

4. *Climate change has a severe impact on children's rights.* Children are disproportionately affected by climate change.⁴ A healthy environment is a prerequisite to the realization of children's rights.⁵ According to the IPCC report, many of the negative effects of climate change will take place earlier than expected. Children born today will still be minors and thus enjoy special protection guaranteed for children when these effects are realised. According to a recent youth barometer in Finland, 67,6 percent of Finnish youth are experiencing insecurity because of climate change caused by humans.⁶ Despite the concerns and insecurity children are experiencing, children are dependent on adults to realise their rights. It is therefore all the more important for Governments to pay special attention to the implementation of their rights. The United Nations Convention on the Rights of the Child (CRC) guarantees children both civil-political and economic, social and cultural rights, and these rights are important in the interpretation of the ICCPR, as well. Human rights integration is especially important when global problems, such as climate change, are addressed.

5. *Importance of protecting the rights of future generations.* The principle of intergenerational equity included in the UNFCCC and several multilateral environmental agreements form a strong basis for arguing that the current human rights system should as a whole be interpreted as protecting the rights of future generations.⁷

For the reasons described above, it is proposed that the Government of Finland should explain what measures it has taken and plans to take in order to reach climate neutrality and fully safeguard the right protected by Article 24, paragraph 1 ICCPR.

Respectfully,

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² United Nations Framework Convention on Climate Change, *Report of the Conference of the Parties on its sixteenth session* (Cancun: United Nations, 2010), FCCC/CP/2010/7/Add.1

³ A/HRC/38/L.5, 2 July 2018, p 4–5

⁴ K Arts, A child rights perspective on climate change, in MA Salih (ed), *Climate change and sustainable development: new challenges for poverty reduction* (Edward Elgar 2009); UNICEF Office of research, *The challenges of climate change: children on the front line* (2014)

⁵ T Kaime, *Children's Rights and the Environment*, in U Kilkelly and T Liefwaard (eds), *International Human Rights of Children* (Springer 2019), p 564–565

⁶ <https://yle.fi/uutiset/3-10346864>

⁷ *Understanding Human Rights and Climate Change*. Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change, p 24