Joint Parallel Report submitted by Swiss Youth for Climate and the Center for International Environmental Law to the Committee on the Rights of the Child

On the occasion of the consideration of the List of Issues prior to Reporting for Switzerland during the Committee’s 84th Pre-Sessional Working Group 30 September – 4 October 2019

Submitted 12 July 2019
EXECUTIVE SUMMARY

As the Committee has repeatedly stressed in the past, climate change constitutes one of the main threats to the rights of children globally as protected under the Convention on the Rights of the Child. In this context, the obligations under the Convention require that States take preventive measures and regulate private actors to mitigate climate risks.

Switzerland is not undertaking the necessary efforts to reduce its greenhouse gas emissions. Not only will Switzerland miss its current 2020 target, but its new 2030 target is not aligned the emissions pathways that the scientific community has found to be compatible with the prevention of the most dangerous levels of global warming. In particular, increasing transport-related emissions in Switzerland are severely impacting air quality, which has adverse impacts on children’s health. Switzerland’s mitigation policies are insufficient to meet its obligations under the Convention on the Rights of the Child – including in light of the Paris Agreement.

In addition, given the foreseeable impacts on children’s rights with every additional warming, Switzerland must, in line with the objective of the Paris Agreement, ensure that financial flows from public and private investors are compatible with a pathway to limiting global warming to 1.5°C. Switzerland’s public and private financial institutions significantly contribute to the continuation of climate-damaging industries, the fossil fuel industry in particular, thereby causing further harms to children in Switzerland and abroad. As it currently stands, Switzerland’s obligations under the Convention require that the country regulates its financial institutions adequately to mitigate the climate-induced threats resulting from the large-scale investments of these institutions, in particular in damaging fossil fuels.

In light of the information provided in this parallel report, and given the Committee’s commitment to take adequate steps to provide more robust guidance on children’s rights in the environmental context,1 the undersigned organizations urge the Committee to raise the following issues with Switzerland:

a) Please provide information on policies designed to reduce greenhouse gas emissions and progress made in that regard, especially in the aviation and road transportation sectors, with the aim of mitigating the adverse effects of climate change on children in Switzerland and abroad. Please also describe the policies and measures adopted to reduce air pollution in order to protect children’s health.2

b) Please provide information regarding policies implemented by the State party to ensure that private and publicly owned financial institutions, including the Swiss National Bank and the Swiss Federal Pension Fund, take into consideration the implications of their investments for climate change and the resulting harmful impact on children.3

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2 See similar language included in the LOI adopted by the Committee in the context of the review of Belgium (2018), CRC/C/BEL/Q/5-6, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fQ%2f5-6&Lang=en
Submitting Organizations

Swiss Youth for Climate (SYFC) is an NGO composed of 260 active members and over 3500 sympathizing members from 14 to 30 years old. SYFC has regional groups in six cities (Geneva, Zurich, Bern, Lausanne, Lugano, and Nyon). After the failure of the CO$_2$ Law revision at the Swiss Parliament in October 2018 and following the initiative of 16-year-old Greta Thunberg, Switzerland witnessed multiple school strikes for climate, causing thousands of children to leave their school benches and take to the streets. The worldwide strike gathered 1.7 million young people in 128 countries and over 2200 cities. The science is clear: there is an urgent need to engage in concrete, ambitious actions in order to maintain a safe, viable world for our generation and the ones to come.

The Center for International Environmental Law (CIEL) uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL seeks a world where the law reflects the interconnection between humans and the environment, respects the limits of the planet, protects the dignity and equality of each person, and encourages all of earth’s inhabitants to live in balance with each other.

1. Climate Change Impacts on Children

The adverse impacts of climate change constitute one of the most significant global threats for the enjoyment of human rights—especially those protected under the Convention on the Rights of the Child. It is clear that the consequences of climate change will have significant adverse impacts on human rights, and in particular the rights protected by this Convention.

The effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations, and this includes children. The IPCC Fifth Assessment Report noted: “People who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses.”

An analytical study by the Office of the High Commissioner for Human Rights in 2017 found:

*Children are disproportionately impacted by climate change due to their unique metabolism, physiology and developmental needs. The negative impacts of climate change, including the increasing frequency and intensity of natural disasters, changing precipitation patterns, food and water shortages, and the increased transmission of communicable diseases, threaten the enjoyment by children of their rights to health, life, food, water and sanitation, education, housing, culture, and development, among others. Climate change heightens existing social and economic inequalities, intensifies poverty and reverses progress towards improvement in children’s well-being. All children are exceptionally vulnerable to the negative impacts of climate change, with the youngest children being most at risk.*

The Committee on the Rights of the Child (CRC) has highlighted previously that climate change results in adverse impacts on many of the rights protected by the Convention on the Rights of

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the Child, including the right to life (Article 6) to the highest attainable standard of health (Article 24), to adequate housing, to safe and drinkable water and sanitation, and to food and nutrition security (Article 27).  

2. The Duty of the State to Reduce Emissions in Line with Climate Science

The magnitude of these impacts will keep increasing as temperatures continue to rise. With the adoption of the Paris Agreement, Parties committed themselves to limit the increase of temperatures well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C. In addition, States have legal obligations under human rights treaties to take action to protect the rights and best interests of the child from the actual and foreseeable adverse effects of climate change.

In October 2018, the Intergovernmental Panel on Climate Change (IPCC) released its Special Report on Global Warming of 1.5°C (SR1.5). This report underlines that emissions will need to be reduced even more stringently to maintain the temperature increase below 1.5°C. According to the findings of this report (which have been endorsed by the Swiss government), any warming above 1.5°C will result in severe additional climate impacts and large risks for communities and ecosystems, including for ecosystems found in Switzerland such as Alpine ecosystems. Moreover, it will result in an increase in the frequency and intensity of extreme weather events.

Developed countries bear the most responsibility to reduce emissions since they have contributed the most to global warming. Hence, they must take the lead in implementing ambitious climate action. Additionally, the duty of international cooperation for the progressive realization of human rights requires States with the capacity to do so to take action so as to promote the global promotion of human rights. These principles are also reflected in the climate treaties that Switzerland has ratified. The United Nations Framework Convention on Climate Change (UNFCCC), its Kyoto Protocol, and the Paris Agreement recognize that the developed countries should take the lead in combating climate change and its adverse effects.

3. Shortcomings of Swiss Climate Policies

By ratifying the Paris Agreement, Switzerland has committed itself to collective efforts aiming at keeping the increase of temperatures well below 2°C and, in line with the latest, best available science, to below 1.5°C. This target would be consistent with the obligations of Switzerland under the CRC to respect, protect and fulfil children’s rights (see Section 1 of this parallel report).

The Swiss CO2 Act of 2013, which currently provides the primary framework for Swiss climate policy, requires that emissions must be reduced domestically by at least 20% by 2020 as compared with 1990 levels. According to the latest data provided by the Swiss government to the UNFCCC, the country’s emissions of greenhouse gases had been reduced however by only 10.4% between 1990 and 2015, with only a “slightly decreasing trend superimposed the variations from meteorological conditions”. At the current pace of emission reductions and considering the impact of policies in place, Switzerland is expected to fail to meet its 2020 emission reduction target by a wide margin.

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10 Paris Agreement on Climate Change (2015), Article 2.1.a.
12 Intergovernmental Panel on Climate Change, Special Report: Global warming of 1.5°C, 2018, In Press.
13 Paris Agreement on Climate Change (2015), Article 2.1(a).
14 Swiss Federal Office for the Environment, Switzerland’s Seventh National Communication and Third Biennial Report under the UNFCCC, January 2018, page 64.
15 See https://climateactiontracker.org/countries/switzerland/.
Under the Paris Agreement, Switzerland has committed itself to reduce emissions by 50% by 2030 as compared with 1990 levels (see Figure 1). The commitment however foresees that this target might be achieved through the use of international offsets – which therefore indicates that the government of Switzerland intends to reduce domestic emissions by a smaller margin.

This level is inadequate in light of climate science. According to the IPCC SR1.5, emissions should decrease by at least 60% globally by 2030 compared to 1990 to retain a reasonable chance to keep temperature increase below 1.5°C. Efforts in emission reductions must urgently increase. If emissions are not rapidly decreased at this time, it will get more difficult and it will be costlier to maintain temperature at safe levels. As mentioned, developed countries historically bear the most responsibility in global emissions, but also possess the technical and financial capacity to reduce emissions, in contrast to developing countries. **For this reason, Switzerland’s objective of 50% reduction by 2030 does not align with Switzerland’s international obligations under the human rights treaties – in particular the Convention on the Rights of the Child – and the goals of the climate agreements that it has ratified.**

Considering the emergency of the situation and the magnitude of the economic and societal restructuration required to achieve science-based reductions, governments must develop long-term and comprehensive climate policies to set a framework directing all actors under their jurisdiction to contribute to the progressive decarbonization of the society. Parties to the Paris Agreement have explicitly committed to “[f]ormulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2.”16 The need for States to implement mitigation policies in line with these climate commitments, has been emphasized by the Committee in its previous work.17 **Switzerland, however, has yet to begin the process of developing such a long-term vision for its energy and climate policies.**

In addition to the lack of a comprehensive and long-term framework of emission reductions, Switzerland’s transport sector shows a sharp increase of emissions. This increase is a failure by Switzerland to reduce emissions according to its international commitments. According to

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16 Paris Agreement on Climate Change (2015), article 4.19.  
17 See, for example, CRC Concluding Observation on Japan (2019), para 37(d).
governmental data, the share of emissions generated from the transport sector between 1990 and 2015, constitutes the largest source of GHG in Switzerland. In addition, it is one of the few sectors to have increased its emissions, from accounting for 27.3% of total GHG emissions in 1990 to 31.9% in 2015. Most significantly, the volume of air transport increased by 126% during this period. Emissions linked to air transport alone account for 10.6% of the total emissions in Switzerland. This is more than three times the European average of air transport emissions. Furthermore, as shown in Figure 2, the share of private road transport has only been increasing since 1970. The lack of sufficient measures to curb emissions of greenhouse gases generated from the transport sector thus contributes to increasing the contribution of Switzerland to adverse impacts associated with climate change on children.

Figure 2: Passenger kilometres by motorised traffic on road (private and public) and rail from 1970 to 2015. Road public data from 1986 to 1997 is missing.

4. Adverse Impacts on Children of Transport-Related Atmospheric Pollution

This significant increase of emissions of greenhouse gases in the transport sector specifically, has adverse consequences for children in Switzerland, due to the increase of resulting atmospheric pollution.

A 2017 report mandated by the Federal Office for the Environment on the measured values of nitrogen dioxide (NO₂), ozone (O₃), and particulate matter (PM10) shows that limit values defined by the Swiss law are regularly exceeded by transport- and industry-related emissions. The annual average of NO₂ emitted exceeds the limit value in about half of the measuring stations. Nearly all stations measured levels of PM10 above the limit value for several days, up to 45 days in Ticino. All but one station measured levels of O₃ above the limit value for several days again, up to 33 days in

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18 Swiss Federal Office for the Environment, Switzerland’s Seventh National Communication and Third Biennial Report under the UNFCCC, January 2018, pages 53 and 61-70.
20 Regarding the human rights duties of the State to protect human rights from the impacts of atmospheric pollution, see the report on the right to breathe clean air presented to the Human Rights Council in February 2019 by the UN Special Rapporteur on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc. A/HRC/40/55.
22 Swiss Federal Council, Ordinance on Air Pollution Control (OAPC), December 1985.
The draft report for 2018 shows similar observations. In April 2018, the Federal Council established limit values for PM2.5, whose annual average last year was systematically exceeded in all stations except two. No sign of improvement can be found in the last 5 years.

According to the World Health Organisation, exposure to these pollutants can trigger health problems, including asthma, bronchitis, cardiovascular diseases, and cancer. Symptoms of bronchitis in asthmatic children increase in association with long-term exposure to NO₂. In Switzerland 14% of new cases of childhood asthma each year are due to nitrogen pollution. In urban areas, 41% of new cases of paediatric asthma are due to this pollution. In addition, pollution peaks exceeding the standards have not been communicated to the public on several occasions. This prevents the population from adopting appropriate behaviour when exposed to high levels of pollution. As recognized by the Committee, this pollution and the lack of sufficient policy to address it infringes the obligation of the State to provide the highest attainable standard of health to children under Article 24 of the CRC.

5. Failure to Regulate Financial Flows Adequately

To respond to the climate emergency we are now facing and ensure we are on a pathway to 1.5°C, the government of Switzerland must adopt policies which are in line with climate science, and ensure the full enjoyment of children’s rights domestically, as well as abroad. This includes the adoption of stricter financial and fiscal policies, effective regulation for the bank sector and the active pursuit of government institutions to phase-out fossil fuels. Only in this way will it reduce the adverse impacts of climate change on children, and respond to the urgent call for action from the youth worldwide.

5.1. State Obligations under the Convention

The Convention on the Rights of the Child requires States to regulate the private sector. As recognized by the Committee, States must have adequate legal and institutional frameworks in place to ensure that the business sector respects, protects and fulfils children’s rights. Business activity causes significant environmental damage, contributing to the violation of children’s rights. Children are particularly vulnerable to adverse impacts of businesses since these may have lifelong, irreversible and transgenerational consequences. In addition, children are largely politically voiceless, lack access to relevant information, and it is challenging for children to obtain remedy for infringements of their rights. Hence, States must ensure that all business operations and activities do not adversely impact children’s rights, both domestically as well as abroad.

The Committee has on several occasions recognized the importance of regulating the private sector to avoid adverse impacts on children’s rights caused by environmental harm. During the Day of

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28 Which includes all business enterprises, both national and transnational, regardless of size, sector, location, ownership and structure.
31 *See for example* CRC’s Concluding Observation to Argentina, 2018, in which it asks of Argentina that it “[s]trengthen implementation of legislative and other measures to protect (...) children from environmental harm caused by third parties” and to Senegal (2016), in which the Committee expresses concern on the “lack of information on any regulatory framework to address the social and environmental responsibility of business corporations and industries, both national and international, that could prevent possible negative impacts from their activities on
General Discussion on Children and the Environment, the Committee committed to “provide clear guidance on how to ensure prevention and monitoring of childhood exposure to toxics and pollution (...) effective regulation of the business sector, including in the full supply chain, and accountability for past violations”. Moreover, the Committee emphasized that international law provides clear obligations to States in relation to the business sector to take steps to protect children from environmental harm, including preventive and precautionary measures.

This includes State agencies with a significant role in the business sector, such as export credit agencies, and requires them to “[t]ake steps to identify, prevent and mitigate any adverse impacts the projects they support might have on children’s rights (...) and stipulate that such agencies will not support activities that are likely to cause or contribute to children’s rights abuses.” In addition, States need to make public support, through for example public finance, conditional on the respect for children’s rights of the activities they intend to support, as well as establish institutional and legal frameworks that enable businesses to respect children’s rights throughout their operations. The importance of regulating private and public financial institutions has explicitly been reiterated in the work of human rights treaty bodies. In February this year, the CRC asked Luxembourg to “provide information regarding policies implemented by the State party to ensure that private and publicly owned financial institutions (...) take into consideration the implications for climate change of their investments and the resulting harmful impact on children.” The need to regulate financial institutions has also been underlined by the Committee on Economic, Social and Cultural Rights, as well as at the Committee on the Elimination of Discrimination Against Women.

5.2. Contribution of Switzerland’s Financial Actors to the Climate Crisis

Echoing the obligations under the Convention on the Rights of the Child and other human rights treaties, the Paris Agreement contains the objective to make “[f]inance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.” This commitment applies to both public and private, including national and international financial flows. Its inclusion in the Paris Agreement implies that this pathway is critical to achieving its overall goal of halting climate change, by ensuring all finance is directed to carbon neutral technologies, such as renewable energy, and that finance does not entice investments in industries related to fossils fuels.

Switzerland has largely failed to take sufficient steps to fulfil this obligation and protect children from the adverse climate-induced impacts of investments made by Swiss financial institutions. When including the Swiss banking sector, Switzerland is annually responsible for 535 Mt of emissions worldwide. This is about 20 times Switzerland’s domestic greenhouse gas emissions.

When looking at Switzerland’s private financial actors, two of its banks have invested billions in the fossil fuel industry over the last few years. Credit Suisse invested more than 57 billion USD between 2016-2018 on fossil fuel financing. In this time, they have financed at least 14 fossil fuel projects...
and 19 fossil fuel companies. Similarly, between 2016-2018, **UBS** has financed the fossil fuel industry with more than 25 billion USD.\(^{37}\) Given the importance of its financial centre and the absence of adequate regulations, Swiss banks have invested per capita over recent years more heavily into extreme fossil fuels than any banks in Europe and worldwide – except for Canadian banks.\(^{38}\) **Alone, the carbon footprint resulting from Credit Suisse’s investments in fossil fuels industries is more than two times larger than the emissions emitted by the entire Swiss population.**

![Figure 3: Global banks’ fossil fuel financing, $ per capita (2015-2017).](image)

The **Swiss National Bank (SNB)**, despite their investment policy requiring them to not invest in companies that systemically cause detrimental environmental damage, invested 2.1 billion USD in oil and gas in the US. It is estimated that investments in fossil fuel companies make up around 11% of the SNB’s entire investment portfolio.\(^{39}\) The portion of SNB’s equity portfolio that is known sourced the emissions of 48.5 million tons of CO2 in 2017, more than Switzerland’s total emissions of 2016.\(^{40}\)

Additionally, Swiss pension funds and insurances, which also have a significant financial impact outweighing the size of the country, are heavily invested in fossil fuels. A study commissioned in 2017 by the Swiss government’s federal office for the environment indicated that these institutions’ “investment behaviour supports global warming of 4 to 6°C”.\(^{41}\) Incompatibility between the investments of Swiss pension funds and the official global climate goals to which the country has committed are further exemplified by the case of the **Swiss Federal Pension Fund PUBLICA** – a publicly owned fund under the supervision of the Swiss Federal Department of Finance. PUBLICA currently holds 1.5 billion USD of investments in the fossil fuel industry.\(^{42}\) Given that this is a

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publicly-owned fund, the responsibility of the State for any infringements of human rights resulting from its operations is unquestionable.

These large financial flows are not only adversely impacting their own climate efforts, but they also encourage the continued and still expanding fossil fuel use worldwide. Consequently, the failure of the Swiss government to regulate private and public financial actors completely undermines any domestic policies to reduce its emissions. Until the government upholds its obligation to regulate the private sector adequately, the country and its private actors will continue to have a disproportionate carbon footprint undermining the rights of children in Switzerland and worldwide to enjoy the highest attainable standards of health and to live in a safe and sustainable environment.

6. Conclusion & Recommendations

In light of the information provided in this parallel report, and given the Committee’s commitment to take adequate steps to provide more robust guidance on children’s rights in the environmental context, the undersigned organizations urges the Committee to raise the following issues with Switzerland:

a) Please provide information on policies designed to reduce greenhouse gas emissions and progress made in that regard, especially in the aviation and road transportation sectors, with the aim of mitigating the adverse effects of climate change on children in Switzerland and abroad. Please also describe the policies and measures adopted to reduce air pollution in order to protect children’s health.

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44 See similar language included in the LOI adopted by the Committee in the context of the review of Belgium (2018), CRC/C/BEL/Q/5-6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fQ%2f5-6&Lang=en.