

Briefing Note to the CRC Committee, in response to the List of Issues for Japan

The Committee on the Rights of the Child has asked Japan respond to the following question:

Question 8:

Please explain how the current climate mitigation policy of Japan is compatible with its obligation to protect the rights of children, in particular the rights to health, food and an adequate standard of living, both in Japan and abroad.

In this briefing we provide information in response to this Question and provide some comments on the reply of Japan to the question of the Committee (CRC/C/JPN/Q/4-5/Add.1).

In our view, Japan's current climate mitigation policy violates the obligations of the State under the Convention on the Rights of the Child as it permits the excessive emission of greenhouse gases resulting in the violation of the rights of children both in Japan and abroad.

Climate change impacts on the rights of children

The current and anticipated 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.¹

As recently noted in a Joint statement of the United Nations Special Procedures Mandate Holders “(t)he impacts of climate change are already interfering with a wide range of human rights, including the rights to life, health, food, housing, water, development and freedom of movement – as massive population displacement is increasingly triggered, often in the form of forced displacement, which may lead to increased vulnerabilities to trafficking in persons – as well as the right to a healthy and sustainable environment.”²

As noted by the Human Rights Council, **children are among the most vulnerable to climate change.**³ 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 the Child**, including the rights to education, to the highest attainable standard of health, safe and drinkable water and sanitation, food and nutrition security (CRC article 24), adequate housing and adequate standard of living (CRC article 27).⁴ The magnitude of these impacts will keep increasing as temperatures continue to rise.

Under the Paris Climate Agreement, States committed to limit the increase of 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.⁵ States recognised that keeping global temperature increase to below this threshold would ‘significantly reduce the risks and impacts of climate change’.⁶

At the request of the parties to the Paris Agreement, the IPCC produced its Special Report on the impacts of global warming of 1.5°C. In this report the IPCC analyzed the magnitude of projected heat-related morbidity and mortality to be greater at 2°C than at 1.5°C of global warming and that children are among the groups that are at the highest risk.⁷ The report concluded that climate change will exacerbate current levels of childhood undernutrition and stunting through reduced food availability, as well as drive undernutrition-related childhood mortality, and increase disability-adjusted life years lost. The IPCC also assessed these impacts to be greater at 2°C than at 1.5°C of global warming.⁸ The report therefore clearly demonstrated that keeping

¹ Office of the High Commissioner for Human Rights, *Analytical Study on ‘Climate change and the full and effective enjoyment of the rights of the child’*, UN Doc. A/HRC/35/13.

² Joint statement of the United Nations Special Procedures Mandate Holders on the occasion of the 24th Conference of the Parties to the UNFCCC, at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23982&LangID=E>

³ Human Rights Council Resolution 32/33 (2016) and Resolution 35/20 (2017).

⁴ See CRC Concluding Observations on Tuvalu (2013), Saint Lucia (2014), Jamaica (2015) and Kenya (2016).

⁵ Paris Agreement, Article 2.1.a.

⁶ Ibid.

⁷ See IPCC, Special Report on Special Report on the impacts of global warming of 1.5°C, Chapter 3, p. 240.

⁸ Ibid. at p. 238.

global warming below 1.5°C is necessary in order to limit violation of the rights protected by the Convention on the Rights of the Child.

The IPCC concluded that “*limiting global warming to 1.5°C would require rapid, far-reaching and unprecedented changes in all aspects of society*“. According to the United Nations Environmental Program, the existing commitments of the parties to the Paris Agreement puts the world on a path towards global warming of about 3°C by 2100, with warming continuing afterwards.⁹ In its latest report the UNEP warned that if the gap between actual and necessary reductions is not closed by 2030 “*it is very plausible that the goal of a well-below 2°C temperature increase is also out of reach.*”¹⁰

Japans emission reduction obligations

Based on the foregoing and consistent with the obligations under the Convention on the Rights of the Child and the Paris Agreement, States **must ensure that they reduce emissions of greenhouse gases as rapidly as possible, applying the maximum available resources.**¹¹ Both under the UNFCCC and the Paris Agreement, developed countries such as Japan are moreover required to take the lead in achieving these emissions reductions, due to their greater responsibility for past emissions and their financial capability to take measures.

In its report from the Day of General Discussion held in 2016 on Children’s Rights and the Environment, the CRC endorsed several recommendations to States, including the need for urgent and aggressive reductions in greenhouse gases, guided by the best available science. The CRC further committed to consistently link Concluding Observations on environmental issues to existing legal frameworks including States’ commitments under the UNFCCC.¹²

Japans emissions, targets and necessary contribution towards the Paris temperature targets

In 2007 the Intergovernmental Panel on Climate Change (IPCC) highlighted that keeping to a 2°C temperature target requires industrialised countries to reduce their emissions by 2020 by 25% to 40% below 1990 levels.¹³ All parties to the UN Framework Convention on Climate Change (UNFCCC) have committed to acting in accordance with this finding both through the adoption of the report of the IPCC as well as through several decisions under the UNFCCC.¹⁴ As an industrialised country, Japan is therefore required — at a minimum — to reduce its emissions by 25% to 40% below 1990 levels by 2020. On October 8, 2018 a Dutch Court ruled that an emission reduction of less than 25% below 1990 levels by the Netherlands would constitute a violation of the right to life and the right to family life as protected by the European Convention on Human Rights.¹⁵

Japan’s emissions are very far off reaching this necessary emission reduction target. To the contrary, Japan’s emissions have increased instead of declined. Japan’s total emissions have increased from 1,274 million tonnes CO₂-eq¹⁶ in 1990 to 1,325 million tonnes CO₂-eq in 2015, which is the equivalent of an increase in emissions by 4.0% between 1990 and 2015.¹⁷ Between 2010 and 2020, total GHG emissions (excluding land use, land use change and forestry) are projected to increase by 7.3% according to data provided by the Japanese government.¹⁸ As a consequence Japan continues to have a very high per capita emission of 10.2 ton CO₂, compared to a global average of 6.8 ton CO₂.¹⁹ Japan is therefore contributing disproportionately, both on the

⁹ UNEP Emission Gap report 2018, available at: <https://www.unenvironment.org/resources/emissions-gap-report-2018>

¹⁰ Ibid.

¹¹ See, e.g., conclusions of the Special Rapporteur on Human Rights and the Environment, ‘Statement on the human rights obligations related to climate change, with a particular focus on the right to life’ October 25, 2018, available at: <https://www.ohchr.org/Documents/Issues/Environment/FriendsIrishEnvironment25Oct2018.pdf>

¹² Report by the Committee on the Rights of the Child of the 2016 Day of General Discussion: Children’s Rights and the Environment, at 29, 32 and 36.

¹³ Fourth Assessment Report of the Intergovernmental Panel on Climate Change (AR4), Box 13.7.

¹⁴ E.g.: Bali Action Plan (Decision 1/CP.13, 2007); Decision 1/CP.16 (2010); Decision 1/CMP.6 (2010); Decision 1/CMP.7 (2011); Decision 1/CMP.8 (2012); Decision 1/CP.19 (2013); Decision 1/CP.20 (2014); Decision 1/CP.21 (2015).

¹⁵ State of the Netherlands v Urgenda Foundation, 8 October 2018, ECLI:NL:GHDHA:2018:2591.

¹⁶ When indicating the volume of all greenhouse gases taken together, including CO₂ (carbon dioxide), the notation CO₂-eq which stands for ‘CO₂ equivalent’ is often used. To express the total effect of all greenhouse-gas emissions, an accounting unit is used in which the effects of all greenhouse gases are converted into the heating potential of CO₂.

¹⁷ Ministry of the Environment, Greenhouse Gas Inventory Office of Japan, “National Greenhouse Gas Inventory Report of Japan”, 2017, E.S.2.1 (http://www.gio.nies.go.jp/aboutghg/nir/2017/NIR-JPN-2017-v3.1_web.pdf)

¹⁸ <https://cop23.unfccc.int/sites/default/files/resource/docs/2016/trr/jpn.pdf>, p. 15.

¹⁹ Based on Gütschow, J.; Jeffery, L.; Gieseke, R.; Gebel, R. (2018): The PRIMAP-hist national historical emissions time series (1850-2015). V. 1.2 available at: <https://www.pik-potsdam.de/paris-reality-check/primap-hist/> and United Nations Population and Vital Statistics Report. Available at: <https://unstats.un.org/unsd/demographic/sconcerns/default.htm>

basis of its past and current emissions, to breaches of the rights protected by the Convention on the Rights of the Child that result from global warming.

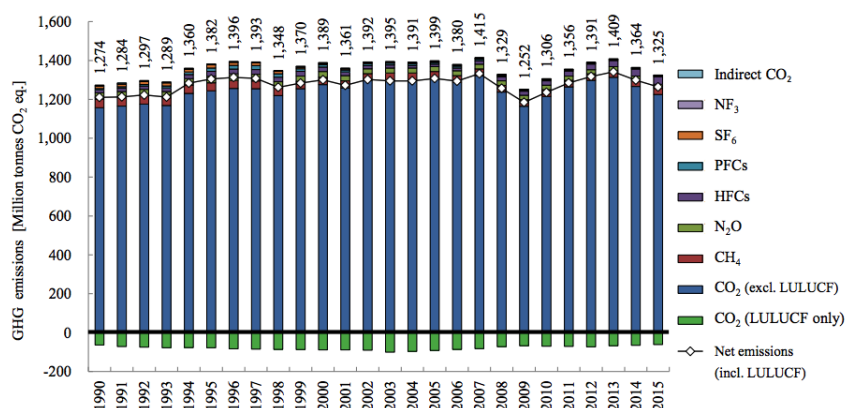


Figure 1: Trends in greenhouse gases emissions and removals (source: Japanese Government, “7th National Communication under the UN Framework Convention on Climate Change”, 2017)

Moreover, Japan’s commitments to future emission reductions are highly insufficient. In its recent Special Report on 1.5°C, the IPCC concluded that in order to keep temperatures below 1.5°C, global CO₂ emissions will have to decline by about 45% from 2010 levels by 2030 and reach net zero around 2050.²⁰ This is the level of emission reduction necessary at a global level. Considering Japan’s responsibility as a developed country under the UNFCCC and Paris Agreement to take the lead in reducing emissions (as mentioned above), Japan emissions should be reduced at a higher level than this global average.

As stated in Japan’s Nationally Determined Contribution (NDC),²¹ the Japanese Government only intends to reduce greenhouse gas emissions by 26% below 2013 levels by 2030. This is an equivalent to a reduction of 18% below 1990 levels, or a reduction of 20% below 2010 levels, by 2030. Japan’s emission target for 2030 is thus still very far off the emissions reductions it should have reached a decade earlier in order to keep global warming at 2C and even further off the reduction that is necessary at a global level in order to stay below 1.5C.

International studies assessing the adequacy of national climate policies consistently describe the emissions reductions by Japan and its climate change targets as “highly insufficient”²² or “very low”²³. Further, **if all countries adopted Japan’s low level of ambition in reducing emissions, average global temperature increase would likely exceed 3°C to 4°C in the 21st century.**²⁴ This would have catastrophic implications for the enjoyment of human rights around the world and would be particularly dangerous for children.

Japan’s insufficient efforts to reduce emission

There are several significant aspects of Japan’s emissions reduction efforts that highlight the insufficiency of those efforts.

First, Japan’s GDP per capita is twice the average of G20 countries.²⁵ Despite this high capability, Japan’s efforts in reducing its emissions are highly insufficient. For instance, in the energy sector, Japan continues to invest heavily in fossil fuel-powered electricity generation. Japan’s planned electricity mix for 2030 which was communicated in the context of Japan’s Nationally Determined Contribution would still include 56% fossil fuel sources, of which 26% coal.²⁶ Japan’s renewable energy generation would only increase from 16% of total generated electricity in 2016 to 20-22% in 2030.²⁷ This is in stark contrast to the Government of Japan’s

²⁰ See IPCC, Special Report on Special Report on the impacts of global warming of 1.5°C, Summary for Policymakers, SPM-15.

²¹ Japan national emission reduction commitment under the Paris Climate Agreement (“Nationally Determined Contribution”) http://www4.unfccc.int/submissions/INDC/Published%20Documents/Japan/1/20150717_Japan%27s%20INDC.pdf. Japan ratified the Paris Agreement on 8 November 2016.

²² Climate Action Tracker, Japan (last updated 30 November 2018) <http://climateactiontracker.org/countries/japan.html>

²³ See the Climate Change Performance Index: <https://www.climate-change-performance-index.org/>

²⁴ Climate Action Tracker, Japan (last updated 30 November 2018) <http://climateactiontracker.org/countries/japan.html>

²⁵ See Brown to Green; the G20 transition to a low-carbon economy, at: <https://www.climate-transparency.org/g20-climate-performance/g20report2017>

²⁶ Japan national emission reduction commitment under the Paris Climate Agreement (“Nationally Determined Contribution”) http://www4.unfccc.int/submissions/INDC/Published%20Documents/Japan/1/20150717_Japan%27s%20INDC.pdf, p. 8.

²⁷ Climate Action Tracker, Japan (last updated 30 November 2018) <http://climateactiontracker.org/countries/japan.html>

response to Question 8 in the list of issues, in which it states that it is working on maximum use of renewable energy.²⁸

Instead of directing its resources towards expanding low carbon energy sources, Japan is planning to construct about 18 gigawatts of new coal power capacity, in addition to the existing 45 gigawatt of coal power generation capacity²⁹ Approximately 5 gigawatts of this new capacity is already under construction.³⁰ Given that the lifespan of new coal-fired power plants is several decades, these new projects will result in long term adverse impacts for local communities in the regions where they are built and will generate emissions of greenhouse gases for several decades.

Several independent studies have noted that due to the new capacity being built, the coal share in electricity generation could even rise further to 34% of the total supply (compared to the goal of 26% from Japans NDC) which could lead Japan to miss its 2030 emissions target.³¹ Japan’s continued investments in coal fired power generation is in stark contrast to international studies that indicate that in order to stay on track to reach the Paris Agreement’s temperature targets, coal power generation should be phased out by approximately 2030.³² In this context, civil society recently published a report on how Japan could phase out coal fired power generation by 2030.³³

Of all investments in the power sector by Japan’s public finance institutions, 78% went to coal, oil and gas projects, and only 13% to renewable energy.³⁴ In contrast its statement at paragraph 75 of the GOJ’s response to the Committee’s list of issues, Japan is investing heavily in the construction of new coal fired power generation outside of its territory. Since at least 2007, Japan has provided the largest share among OECD countries of overseas financing for the construction of coal-fired power plants in third countries.³⁵ From 2003 to 2016, the Japan Bank for International Cooperation (JBIC) – which is owned 100% by the State – invested in 24 coal-fired thermal power plant projects, including 6 in India, 5 in Indonesia, 5 in Vietnam 2 in Morocco.³⁶

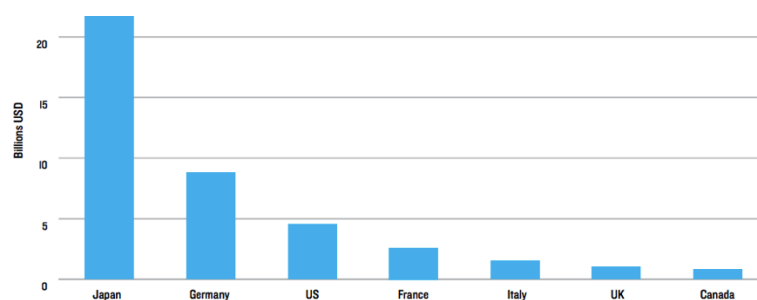


Figure 3: Coal finance by G7 Country between 2007-2015 (source: NRDC, “Swept under the rug: how G7 nations conceal public financing for coal around the world”, 2016)

This short briefing note was prepared by [Kiko Network](#), the [Center for International Environmental Law \(CIEL\)](#) and the [Global Initiative for Economic, Social and Cultural Rights \(GI-ESCR\)](#). Please do not hesitate to contact us for any additional information: Sébastien Duyck sduyck@ciel.org (+41786966362)

²⁸ CRC/C/JPN/Q/4-5/Add.1, paragraph 74.

²⁹ Climate Analytics, & Renewable Energy Institute. (2018). Science Based Coal Phase-out Timeline for Japan: Implications for policymakers and investors, at: <https://climateanalytics.org/publications/2018/science-based-coal-phase-out-timeline-for-japan/>

³⁰ List of the proposed new coal plants and their current status is maintained here: https://sekitan.jp/plant-map/en/v2/table_en

³¹ Climate Action Tracker, Japan (last updated 30 November 2018) <http://climateactiontracker.org/countries/japan.html>

³² Climate Analytics, & Renewable Energy Institute. (2018). Science Based Coal Phase-out Timeline for Japan: Implications for policymakers and investors.

³³ Kiko Network (2018). Japan Coal Phase-Out: The Path to Phase-Out Coal by 2030, at: <https://www.kikonet.org/wp/wp-content/uploads/2018/11/a5777815a06a4124918c3065f8bc3857.pdf>

³⁴ Oil Change International (2015) Empty promises: G20 subsidies to oil, gas and coal production, at: <https://www.odi.org/publications/10058-empty-promises-g20-subsidies-oil-gas-and-coal-production>

³⁵ Swept under the rug: how G7 nations conceal public financing for coal around the world”, NRDC (2016), available at <https://www.nrdc.org/sites/default/files/swept-under-rug-coal-financing-report.pdf>

³⁶ See <http://sekitan.jp/jbic/wp-content/uploads/2014/01/factsheet-en.pdf>