



**Department of the Environment, Climate and Communications**

**Consultation on the Climate Action Plan**

**Submission by the Ombudsman for Children's Office**

**April 2024**

## Introduction

The Ombudsman for Children's Office (OCO) welcomes the opportunity to make a submission to the Department of Environment, Climate and Communications (the Department) as part of the consultation to develop a Climate Action Plan.

The OCO is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the Ombudsman for Children has two core statutory functions:

- to promote the rights and welfare of children up to the age of 18 years, and
- to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and voluntary hospitals that have or may have adversely affected a child.

We have prepared this submission pursuant to section 7(4) of the 2002 Act, which provides for the Ombudsman for Children to advise on any matter concerning the rights and welfare of children. The purpose of this submission is to highlight measures we consider necessary to ensure that children and children's rights are considered appropriately in the development of the new Climate Action Plan.

We acknowledge the crucial role to be played by the Climate Action Plan 2024 in tackling climate change, which impacts both present and future generations, especially children. However, while the plan shows dedication to addressing climate issues, we believe it must better integrate children's rights into all aspects of policy and action. Emphasis on proactive measures to shield children from environmental harm and involve them in decision-making is necessary to ensure their well-being, uphold their rights and empower them as active participants in addressing climate change.

Along with the information outlined in our submission, we recommend that consideration be given to the [European Network of Ombudspersons for Children 2022 Report on Climate Justice](#).

## Children's Rights and the Climate Action Plan

The UN Committee on the Rights of the Child (UN Committee) has advised that the development of a children's rights perspective is required for effective implementation of the [UN Convention on the Rights of the Child](#) (UNCRC).<sup>1</sup>

As the Department will be aware, having ratified the UNCRC in 1992, Ireland is obliged under international law to respect, protect and fulfil the rights of all children living in Ireland.

These rights include four general principles, which are integral to the realisation of all children's rights under the UNCRC:

- Article 2 provides that all children must be able to enjoy their rights without discrimination of any kind, irrespective of their circumstances or those of their parents/guardians.
- Article 3 requires children's best interests be treated as a primary consideration in all actions concerning them.

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<sup>1</sup> Committee on the Rights of the Child, General Comment No. 5 (2003), [General measures of implementation of the Convention on the Rights of the Child](#) (arts. 4, 42 and 44, para. 6), 27 November 2003.

- Article 6 recognises children’s right to life, survival and development. In this regard, States are expected to interpret ‘development’ as a holistic concept encompassing all aspects of children’s development and are obliged to provide optimal conditions for childhood.<sup>2</sup>
- Article 12 provides for children’s right to express their views freely in all matters affecting them and for due weight to be given to children’s views, in accordance with their age and maturity.

While not necessarily an exhaustive list, we are of the view that the following children’s rights also need to be considered in developing the new Climate Action Plan:

- requirement for the State to take measures to implement children’s rights comprehensively (Article 4)
- freedom of expression (Article 13)
- freedom of association and freedom of peaceful assembly (Article 15)
- the highest attainable standard of health, including mental health (Article 24)
- education (Article 28)
- the aims of education (Article 29).

#### Prioritising Children's Rights in Climate Action:

We advocate prioritising children's rights in environmental laws and policies, aligning with the UNCRC. Proactive measures are crucial to protect children’s health and well-being, especially given their vulnerability to environmental harm like climate change. This ensures safer, healthier and more sustainable environments for all children.

#### Promoting Human Rights Education:

We advocate for the inclusion of education on children's rights and the right to a healthy environment in schools. This would align with Article 29 of the UNCRC, which emphasises the right to education that develops respect for the environment and would help to empower children in environmental decision-making. Access to reliable environmental information, crucial for understanding issues like climate change, requires age-appropriate resources and safe spaces. While efforts like the [Second National Strategy on Education for Sustainable Development](#) demonstrate a commitment to integrating sustainability principles, notably through climate literacy, it is imperative to ensure inclusivity and accessibility for all children, in line with the UNCRC.

#### Ensuring Children's Right to Participation:

Children's participation in environmental policy-making is crucial for effective decision-making and achieving the [UN Sustainable Development Goals](#)<sup>3</sup>, in line with Article 12 of the UNCRC. Creating an inclusive culture among policymakers, which respects children's perspectives is essential. It can be done by prioritising their involvement in climate action plans via accessible consultation and appropriate resource allocation.

The [Climate Youth Delegate Programme](#) aligns with Article 12 but must prioritise inclusivity and diversity in candidate selection. Meaningful dialogue between youth delegates and decision-makers is necessary for shaping climate policies effectively.

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<sup>2</sup> Ibid.

<sup>3</sup> In particular, Goal 13 – Climate Action.

The [National Youth Assembly on Climate](#) is a positive initiative, also echoing Article 12. However, it is imperative that it leads to youth perspectives being integrated into policy formulation and implementation, whilst also ensuring ongoing dialogue and diverse representation for marginalised groups.

#### Supporting Children's Freedom of Association:

Children's rights to association and assembly, as per Article 15 of the UNCRC, is crucial for their engagement in environmental advocacy within national climate action plans. To ensure these rights, the plan must address barriers like age restrictions as well as providing clear guidance regarding how children can participate in advocacy efforts, create supportive environments, and integrate children's rights education.

#### Ensuring Children's Access to Justice:

Children are particularly vulnerable to the effects of climate change. Ensuring children's environmental justice, per Article 12 of the UNCRC, and prioritising mechanisms for children to seek redress in climate action plans is crucial. This includes child-friendly complaints systems, legal aid, and awareness-raising. Integrating these measures empowers children in environmental protection and climate action, honouring their rights and participation.

### **Recommendations**

#### Integration of Children's Rights

We recommend that the Department:

- integrate children's rights frameworks, in particular the UNCRC, into all aspects of the Climate Action Plan 2024.
- complete Child Rights Impact Assessments (CRIA)<sup>4</sup> to evaluate climate policies' impacts on children, particularly in vulnerable communities, and incorporate the findings of these CRIA into policy development and decision-making.

#### Participation of Children

We recommend that the Department:

- take proactive steps to engage children in climate decision-making by establishing youth advisory panels.
- create educational initiatives to raise children's awareness of climate change and empower them to take action in their communities, schools, and homes.

#### Transparency and Accountability

We recommend that the Department:

- enhance transparency and public involvement in climate policy by implementing regular reporting on progress, challenges, and outcomes related to children's rights and climate action.

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<sup>4</sup> A child rights impact assessment is a tool predicting the impact of any proposed law, policy or budgetary allocation, which affects children and the enjoyment of their rights. Child impact assessment needs to be built into government at all levels as early as possible in the development of policies and laws – see the Fundamental Rights Agency, [Child Rights Impact Assessment](#).

- establish accountability measures to ensure stakeholders fulfil commitments to safeguard children from environmental harm and uphold their rights.

Research and Data Collection:

We recommend that the Department:

- focus on research to understand the connections between climate change and children's rights, including studying how climate change affects children differently based on factors like age, gender, ethnicity, and socioeconomic status.
- set up robust data collection systems to monitor the effects of climate policies on children's health, education, protection, and well-being over time, aiding evidence-based decision-making and policy development.