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## Inaction on climate change – a violation of children's rights

**Reply to Recommendation<sup>1</sup>:** Recommendation 2219 (2022)  
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2219 \(2022\)](#) which describes inaction on climate change as a violation of children's rights. The recommendation has been brought to the attention of the governments of member States and forwarded to the Steering Committee for Human Rights (CDDH) and the Steering Committee for the Rights of the Child (CDENF), for information and possible comments.

2. The Committee of Ministers welcomes the Parliamentary Assembly's focus on the issue of climate change in the context of the protection of the rights of the child. It acknowledges that the environmental crisis may put children at particular risk of harm, given the consequences of climate change and environmental degradation on children's enjoyment of the highest attainable standard of physical and mental health.

3. With regard to the proposal in paragraph 2.1, the Committee of Ministers informs the Assembly that the Council of Europe [Strategy for the Rights of the Child \(2022-2027\)](#) was adopted by the Committee of Ministers on 23 February 2022 and officially launched at a high-level conference in Rome (Italy) on 7 and 8 April 2022. During this Conference, two deep dive conversations entitled "Recognising and enforcing children's environmental rights" and "Understanding the challenges faced by children as defenders of human rights" took place. In addition, the sixth objective of this Strategy, on "Children's rights in crisis or emergency situations", aims to recognise the human rights obligations in the field and to facilitate children's access to justice in relation to environmental harm. The biennial Action Plans are under preparation and will be a tool to follow close collaboration with internal and external partners, in the years to come.

4. With regard to paragraph 2.2, the Committee of Ministers acknowledges the potential value of children's participation when anchoring the right to a clean, healthy and sustainable environment. Accordingly, the fifth strategic objective of the new Strategy foresees the protection and empowerment of children as defenders of human rights and of the environment, whose participation can be of value for the co-design of environmental policies. In this respect, the Committee of Ministers would point out that a report on children as defenders of human rights will soon be initiated by the CDENF.

5. The Committee of Ministers further recalls that, whilst neither the European Convention on Human Rights nor its Protocols expressly recognise a right to a healthy environment, they offer a certain degree of protection in relation to environmental issues through existing Convention rights and their interpretation in the case law of the European Court of Human Rights. It notes that the draft recommendation on human rights and the environment prepared by the CDDH aims to reaffirm human rights standards which are linked to environmental issues and aims to help member States, where necessary, to fulfill their obligations and commitments to respect and protect human rights against violations linked to environmental factors. In this context, it will also address the need to take into account the concept of intergenerational equity and for adequate measures to protect the rights of those who are most at risk from environmental harm. In particular, special safeguards should be taken, including appropriate legal protection, to protect children from foreseeable environmental damage. The draft recommendation will also refer to the need for policies or

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1. Adopted at the 1437<sup>th</sup> meeting of the Ministers' Deputies (15 June 2022).



measures to promote participation by children and youth in environmental decision making and create opportunities for intergenerational dialogue. In this context, initiatives by children and young people, which promote sustainable development and environmental protection, should be encouraged and supported.

6. With regard to paragraph 2.3, the Committee of Ministers took note of the Assembly's innovative proposal to establish a legal status for climate or environmental refugees at international and European level. However, the establishment of such a statute does not fall within the mandate of the Council of Europe and is therefore not foreseen in the Council of Europe's programme of activities.

7. With regard to paragraph 2.4, the Committee of Ministers joins the Assembly in calling on member States to honour their international commitments under the 2030 Agenda for Sustainable Development, the Paris Agreement and the United Nations Convention on the Rights of the Child.