



**Contribution to the Online Consultation for the first draft of the
General Comment 26 from Alana Institute¹**

1. Environmental impacts on children

- a) What are the main impacts of climate change, pollution and nature and biodiversity loss for children's lives?(Please highlight any ways in which children are uniquely affected, including examples of injustice imposed on specific groups of children (e.g. girls, children with disabilities, Indigenous children) and differences or inequalities between countries.)
- b) In which ways do responses to these environmental crises also have the ability to adversely affect children (e.g. forced displacement, increasing food or energy prices)?

The climate crisis is a concern for the entire planet, as the scenario of inducing climate change caused by human beings has reached unimaginable levels and accentuated the unequal and harmful socio-environmental consequences to the right to life, health, food, cultural heritage and a healthy environment, especially for children. In this regard, the UNICEF report², “The climate crisis³ is a child rights crisis”, shows that approximately 1 billion children – almost half of the world’s 2.2 billion girls and boys – live in one of the 33 countries ranked as “extremely high risk.” Brazil is in 70th place of the 163 countries listed in the Unicef ranking, with a very concerning environmental and climatic risk index of 7.3 (out of 10).⁴

For these reasons, this contribution prioritizes a special focus on the socio-environmental impacts of the reality of Brazilian children, which are concentrated in the peripheral and semi-peripheral regions of the countries of what is referred to in the modern world system as the Global South⁵, characterized by countries with a history of

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² UNICEF. The climate crisis is a child rights crisis - Children's Climate Risk Index (CCRI), 2021. Available at: <<https://www.unicef.org/reports/climate-crisis-child-rights-crisis>>. Accessed on January 24/ 2021.

³ To know more about Alana Institute program Child and Nature: <https://criancaenatureza.org.br/clima/emergencia-climatica/>

⁴ UNICEF. The climate crisis is a child rights crisis - Children's Climate Risk Index (CCRI), 2021. Available at: <<https://www.unicef.org/reports/climate-crisis-child-rights-crisis>>. Accessed on January 24/ 2021.

⁵ Observatório sobre Crises e Alternativas. Centro de Estudos Sociais da Universidade de Coimbra. Available at:

colonization and countries with greater socioeconomic vulnerabilities, marked by exploitation and social exclusion, including a severe impact on children's rights, and which aggregate struggles for alternative projects of social and political transformation to subvert the colonial past. This document presents the **Alana Institute's** contributions to the agenda of discussions on the new General Comment, divided into the following topics related to the main impacts of climate change, pollution and nature and biodiversity loss for children's lives: **(1) environmental racism, discrimination and climate emergency; (2) Environmental impacts of air pollution on children: fossil fuels, fires and deforestation; (3) Impacts of lack of contact to Nature and the explicit recognition of the child's right of access to nature.**

1.1 Environmental racism, discrimination and climate emergency

It is relevant to consider that different children are affected by the climate crisis in different ways, given that many live in societies characterized by structural inequality, which makes black, indigenous and traditional peoples and communities, especially in the Global South and including the different communities of Brazilian children, particularly vulnerable and more seriously affected, compromising their full and healthy development and their entire network of rights⁶

1.1.1 Children in the Global South are the most affected by the socio-environmental and climate impacts of the actions or omissions of States and transnational companies

The historically established dynamics of socioeconomic exploitation and abuse of natural resources from countries of the Global North in former colonies in the Global South⁷, have repercussions to this day in the economic and social structure of countries of the South, impacting the lives of millions of children who still suffer the consequences of racism and of economic, social, cultural and environmental exclusion.

It is no coincidence that the children most affected by extreme weather events and their serious socio-environmental consequences are mostly in countries in the Global South,

<https://www.ces.uc.pt/observatorios/crisalt/index.php?id=6522&id_lingua=1&pag=7851>. Accessed on January 24/ 2021.

⁶ OHCHR. Committee on the Rights of the Child. General Comment n° 7 (2005): Implementing child rights in early childhood. 2006.

⁷ FANON, Frantz. *Os Condenados da Terra*. Juiz de Fora: Editora UFJF, 2005.

considered “extremely high risk”⁸. In this sense WHO maintains that this portion of the population accounts for more than 80% of deaths resulting from extreme weather events, which have a more destructive impact on the poorest and most vulnerable areas of the planet.

In Latin America and the Caribbean, 9 out of 10 children are exposed to at least two climate and environmental shocks (55 million children are exposed to water scarcity; 60 million children are exposed to cyclones; 85 million children are exposed to Zika; 115 million children are exposed to Dengue; 45 million children are exposed to heat waves; 105 million children are exposed to air pollution).⁹ Children in South Asian¹⁰ countries face extreme vulnerability in terms of their health, education and safety, as they are at risk of heat waves and floods. These impacts, combined with air pollution, river erosion, fires and cyclones, have driven millions of children to homelessness and hunger. It is also noted that many typically colonial exploratory actions continue to occur through new agents and phenomena, such as transnational companies, many which have their own governments as shareholders or supporters, which severely impact entire communities of children and their families. These companies adopt double standards¹¹ in their corporate policies in countries of the Global South and export obsolete technology no longer used in their countries of origin, thus discriminating against the rights and safety of children of different nationalities. In Brazil, there are countless examples of the socio-environmental and climate impacts of foreign companies on children, especially the most vulnerable, such as the recent cases of the failure of the Mariana and Brumadinho mining dams, managed by the UK-based BHP Group¹² or the intentional delay of automobile companies, such as Mercedes-Benz and Volkswagen,

⁸ Terra dos Homens. Protecting Environmental Child Rights. Available at: <http://www.terredeshommes.org/wp-content/uploads/2013/01/tdh_Environmental-Child-Rights_2012-11-final.pdf>. Accessed on August 12/ 2018.

⁹ UNICEF. 9 out of 10 children in Latin America and the Caribbean are exposed to at least two climate and environmental shocks. Available at: <<https://www.unicef.org/lac/en/press-releases/children-latin-america-and-caribbean-are-exposed-climate-climate-environmental-shocks>>. Accessed on Feb 14/ 2022.

¹⁰ UNICEF. Children in four South Asian countries at ‘extremely high risk’ of the impacts of the climate crisis. 2021. Available at: <<https://www.unicef.org/rosa/press-releases/children-four-south-asian-countries-extremely-high-risk-impacts-climate-crisis>>. Accessed on Feb 11/ 2022.

¹¹ OXFAM. RIGGED RULES AND DOUBLE STANDARDS. Available at: <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/112391/cr-rigged-rules-double-standards-010502-en.pdf?sequence=18>>. Accessed on Feb 14/ 2022.

¹² London judges reverse course to reopen \$7 bln Brazil dam lawsuit against BHP. Reuters, 2021. Available at: <<https://www.reuters.com/business/energy/london-judges-re-open-69-bln-brazil-dam-lawsuit-against-bhp-2021-07-27/>>. Accessed on Feb 11/ 2022.

in adopting the most advanced and less polluting technologies that have been in use for decades in their country and continent of origin in the Global North¹³.

According to UNICEF¹⁴, 330 million children (1 in 7 children worldwide) are currently exposed to river floods, and the situation is likely to worsen as glaciers melt and rainfall increases due to high levels of water in the atmosphere as global temperatures climb higher. Yet, 400 million children (approximately 1 in 6 children worldwide) are currently exposed to cyclones. It is also likely that the situation will worsen as high intensity cyclones (i.e., categories 4 and 5) have increased in frequency and intensity of precipitation, causing cyclone patterns to change. Finally, 240 million children (1 in 10 children worldwide) are highly exposed to coastal flooding. Again, the situation is likely to worsen as sea levels continue to rise, with the effects considerably magnified when combined with storm surges. And, once again, children in the Global South face extreme vulnerability.

Another effect resulting from climate change is the spread of vector diseases, equally concentrated in the Global South, which reach frightening proportions in a climate change scenario, with children as their main victims. In the first 14 weeks of 2020 alone, for example, Brazil has already recorded 525,381 probable cases of dengue and 181 deaths caused by the disease¹⁵. Fluctuations in dengue epidemics are associated with rising temperatures and disorderly urbanization. There are also other impacts suffered by children that often go unnoticed. For example, studies identify that, among victims of large-scale weather disasters, children are two to three times more likely to develop post-traumatic stress symptoms than adults¹⁶.

While children in rich countries have greater chances of survival and well-being, these same countries disproportionately contribute to CO₂ emissions that threaten the future of all children in the world, and specifically those in the Global South. This is what appears in the text authored by 40 of the world's leading experts in child and youth health¹⁷. The

¹³FAÇANHA,Cristiano.ICCT.Deixado para trás: Brasil poderá ser o último grande mercado automotivo a adotar o padrão Euro IV. Available at: <<https://theicct.org/deixado-para-tras-brasil-podera-ser-o-ultimo-grande-mercado-automotivo-a-adotar-o-padrao-euro-vi/>>. Accessed on Feb 14/2022

¹⁴ UNICEF. The climate crisis is a child rights crisis - Children's Climate Risk Index (CCRI), 2021.Available at: <<https://www.unicef.org/reports/climate-crisis-child-rights-crisis>>. Accessed on Feb 11/ 2022.

¹⁵ Casos de dengue no Brasil em 2020 ultrapassam 500 mil em meio à pandemia de covid-19. Available at: <<https://www.brasildefato.com.br/2020/04/16/em-meio-a-pandemia-do-coronavirus-numero-de-casos-dedengue-no-brasil-cr-esce-129>>. Accessed on June 30/2020.

¹⁶ UNICEF Office of Research. The Challenges of Climate Change: Children on the front line. Innocenti Insight, Florence: UNICEF Office of Research. 2014.

¹⁷ CLARK, Helen et al. A future for the world's children? A WHO–UNICEF–Lancet Commission. The Lancet, v. 395, n. 10224, p. 605-658, 2020. Available at : <[https://www.thelancet.com/cms/10.1016/S0140-6736\(19\)32540-1/attachment/c2c72cb4-5180-49e0-8d26-9c5f0e91e7e3/mmc1.pdf](https://www.thelancet.com/cms/10.1016/S0140-6736(19)32540-1/attachment/c2c72cb4-5180-49e0-8d26-9c5f0e91e7e3/mmc1.pdf)> Accessed on Oct 10/2020.

researchers developed a “child development” index that includes factors such as mortality, health, education and nutrition, and a “sustainability” index that focuses on each country’s per capita greenhouse gas emissions. The study emphasizes that none of the countries in the world performed well in all the three categories: child development, sustainability and equality. The report also mentions that: “We have built a new national profile to measure the fundamental conditions for children between 0 and 18 years of age to survive and develop today, in addition to measuring future environmental threats to children, based on the projected excess of greenhouse gas emissions for 2030. These two measures [...] are combined to generate our child development and future profile”.

Thus, Alana Institute suggest that the Committee on the Rights of the Child, in the new General Comment n. 26, deepen its understanding and include as a relevant factor the unequal structural dynamics arising from colonial practices between North and South, allowing for more adequate and efficient responses to protect children and their families in their different territories, such as (i) priority increase for the Global South in investments toward climate mitigation and adaptation and resilience of key services for children; (ii) the reduction of greenhouse gas emissions by States and transnational companies, without the use of double standards and unfair trade practices; (iii) the promotion of climate and ecological education linked to local cultures and identities and to multiple and different childhoods; (iv) including the best interests of children and their direct participation, especially the most vulnerable and traditional peoples and communities such as indigenous peoples and quilombolas, in all climate negotiations and decisions; and (v) ensure recovery from the COVID-19 pandemic in an ecological, low-carbon and inclusive manner.

Such measures are imperative, considering that children, especially those in the Global South, are the most affected and were not responsible for the current climate and socio-environmental crises. On the contrary, it was the intense and exploratory process of territorial expansion, industrialization and internationalization of States and corporations, concentrated in the Global North, driven by unsustainable consumption strategies, which significantly advanced the rates of CO₂ emissions and socio-environmental degradation throughout the planet and, therefore, such States and corporations must be held accountable proportionately and adequately, putting an end to all forms of violation of children’s rights worldwide, without discrimination based on nationality or environmental racism.

1.1.2 The impacts of the climate and socio-environmental crisis on Brazilian children

Communities of children also suffer from environmental racism within their own countries, a phenomenon understood by socio-environmental practices of ethnic-racial discrimination, which lead to a worsening of vulnerabilities and, thus, to even more serious scenarios of social injustice. According to Viegas¹⁸, “from the perspective of scholars of environmental inequality, the term ‘sacrifice zone’ has come to designate places where multiple environmentally aggressive practices occur.” These zones, located mostly in the Global South, affect housing areas for populations in situation of vulnerability, where the relatively lower land value and the lesser access of residents to decision-making processes favor location choices that are concentrated in these areas.

Environmental racism, embodied in these practices of territorial, socio-environmental and ethnic-racial discrimination, causes enormous risks and consequences for the maintenance of ways of life and related natural resources, often connected to ecosystems of great biodiversity that are under serious threat of imbalance and extinction. Studies¹⁹ have revealed that indigenous lands are quite efficient in preventing deforestation and, consequently, greenhouse gas emissions. Therefore, environmental racism causes damage not only to certain population groups, but also to the environment and climate as a whole. This is especially important when thinking about mitigating the impacts of climate change such as global warming.

Despite this, indigenous areas and communities in Brazil face human and territorial rights violations on a daily basis, through constant pressure from agricultural expansion, illegal deforestation and mining on indigenous lands in reserves and protected forest areas, which intensifies violence in rural areas, especially in the Amazon,²⁰ impacting the well-being and rights of thousands of indigenous children.

¹⁸ VIÉGAS, Rodrigo Nuñez. Desigualdade Ambiental e Zonas de Sacrifício. Mapa dos conflitos ambientais no estado do Rio de Janeiro. Rio de Janeiro, FASE/IPPUR, 2006. Available at: <https://www.faneesp.edu.br/site/documentos/desigualdade_ambiental_zonas_sacrificio.pdf>. Accessed on Nov 4/2020

¹⁹ Terras Indígenas combatem o desmatamento e a emissão de gases de efeito estufa. Available at: <<https://www.bndes.gov.br/wps/portal/site/home/conhecimento/noticias/noticia/terras-indigenas-combatem-desmatamento>>. Accessed on June 30/2020.

²⁰ CONECTAS DIREITOS HUMANOS. Organizações denunciam “ataque físico e institucional” contra povos indígenas, na ONU. Available at: <<https://www.conectas.org/noticias/organizacoes-denunciam-ataque-fisico-e-institucional-contr-povos-indigenas-na-onu/>>. Accessed on Feb 14/ 2022.

Still, it is in peripheral urban areas with greater socioeconomic vulnerability that children, especially poor and black children, are the most affected by the greater intensity and frequency of extreme flood events, landslides resulting from changing climate and rainfall patterns, affected by the deforestation of riparian forests and large urban forest areas. In Brazil, in late 2021 and early 2022, while southern part of the State of Bahia and the northern portions of the State of Minas Gerais experienced flooding and landslides due to high rainfall, the southern region of the country experienced the highest temperatures in history, with days of 40°C heat followed by torrential rains. Leaders of the black movement, such as Douglas Belchior of the Black Coalition for Rights, have said that “before promoting evictions, uprooting people from their places of origin and throwing them into new dangerous situations, the State needs to promote effective actions, from the simplest thing to projects that require more investments. Prevention, mitigation and climate adaptation actions are needed to keep the most vulnerable from dying.”²¹

Specifically, these numbers reinforce a relevant concern about the situation of children in Southern Bahia, who faced utter climatic chaos due to storms caused by subtropical cyclones in the Atlantic Ocean²². This situation was responsible for severe environmental damage, including flooding and inundated homes, countless families displaced from their homes and communities, collapsed roads and highways and even the deaths of children and adults.

The same Coalition, which gathers approximately 250 organizations, collectives and entities of the black and anti-racist movement from all over Brazil, in a manifesto presented at COP26 in defense of quilombola communities, stated that “the climate crisis is also humanitarian and has a direct impact on the lives of black, quilombola and indigenous peoples. (...) Peripheral people face water scarcity. Children die on stream banks in the floods, families lose their homes built in high-risk areas, on the banks of dams, in valleys, on slopes due to the lack of access to urban land for housing in urban safety. (...) With climate change, we need to put an end to colonialism and its modulations in the present. Therefore, we need to urgently recognize and prioritize the fight against environmental racism and

²¹BELCHIOR, Douglas; BRITO, Gisele; SANTOS, Izabela; BELMONT, Mariana; SANTOS, Thais. Não é falta de visão de futuro do povo: é racismo ambiental. Folha de São Paulo, 2021. Available at: <<https://www1.folha.uol.com.br/colunas/desigualdades/2022/02/nao-e-falta-de-visao-de-futuro-do-povo-e-racismo-ambiental.shtml?origin=folha>>. Accessed on Feb 14/2022.

²²DIAS, Paulo Eduardo. Chuvas deixam três mortos e centenas de desabrigados na Bahia. Folha de São Paulo, 2021. Available at : <<https://www1.folha.uol.com.br/cotidiano/2021/12/chuvas-deixam-tres-mortos-e-centenas-de-desabrigados-na-bahia.shtml>>. Accessed on Feb 14/ 2022

racial, gender and social inequalities in order to achieve the NDC's goals (...) . When we deny the structures of racism, we are denying peoples and human generations the right to live well on Planet Earth.”²³

Thus, it cannot be denied that there is an intrinsic relationship between climate change and environmental racism²⁴ and discrimination. Therefore, it is essential that recommendations for policies and regulations in the General Comment n. 26 aimed at States and private agents always consider how structural inequalities related to race, ethnicity, gender, class and place of living affect children, making them even more vulnerable to the impacts of the climate and socio-environmental crisis on their rights, preventing discrimination of any kind and acting upon any complaints promptly to ensure remedy and reparation.

1.1.3 Right to a healthy and stable environment

Climate change poses a global threat to the right to a healthy and stable environment. As the planet gets warmer, more and more people may fall victim to water shortages, flooding, coastal flooding and reduced food supply. Phenomena such as extreme rainfall, heat waves, and increased air pollution can also make it difficult for human beings in general to fully enjoy life and, in particular, for children²⁵ and vulnerable populations.

Thus, it is recommended that the Committee on the Rights of the Child, in the new General Comment n. 26, recognize the right to a healthy and stable environment, in the same understanding already adopted by the UN Human Rights Council in Resolution 48/13 of 2021.²⁶ A stable and healthy environment and climate are essential for the proper and full guarantee of all children's rights under the Convention.

²³ COALIZÃO NEGRA POR DIREITOS. Titular as terras quilombolas é desmatamento zero. Available at: <<https://coalizaonegrapordireitos.org.br/2021/11/05/para-controle-do-aquecimento-do-planeta-desmatamento-zero/>>. Accessed on Feb 14/ 2022.

²⁴ VIÉGAS, Rodrigo Nuñez. Desigualdade Ambiental e Zonas de Sacrifício. Mapa dos conflitos ambientais no estado do Rio de Janeiro. Rio de Janeiro, FASE/IPPUR, 2006. Available at: <https://www.faneesp.edu.br/site/documentos/desigualdade_ambiental_zonas_sacrificio.pdf>. Accessed on Nov 4/2020

²⁵ Aquecimento global: O começo do fim. Available at: <<https://super.abril.com.br/ideias/aquecimento-global-o-comeco-do-fim/>>. Accessed on June 30/2020.

²⁶ UNITED NATIONS. Access to a healthy environment, declared a human right by the UN rights council. Available at: <<https://news.un.org/en/story/2021/10/1102582>>. Accessed on Feb 14/ 2022.

Research published in Science magazine²⁷ has shown that new generations will experience an average 2 to 7 times higher incidence of fires, droughts, floods, tropical storms and crop failures (less profitable crops) throughout their lives when compared to those born in 1960, and from nearly 50°C heat in the Canadian summer to floods in Germany and more prolonged droughts in Brazil, extreme weather events are one of the main direct consequences of climate change in current and subsequent generations.

In Latin America, research²⁸ shows that a child born in 2020 will face, compared to someone born in 1960: 50% more chances to suffer from fires; 2.5 times more likely to live under crop failures; twice as many droughts and floods; 4.5 times more heat waves. The results are cascading effects: heat waves are harmful to people's health, leaving children and the elderly, in particular, more subject to hospitalizations. Crop failures affect the price and supply of food. Floods, inundations and droughts intensify global migratory movements.

The survey also highlights²⁹ the fact that, when ranked by income, the 50% most economically privileged countries are responsible for 86% of all CO2 emissions worldwide, while the economically vulnerable half is responsible for only 14%. Nonetheless, it is children in low- and middle-income countries who will face the brunt of the loss and damage to health and human capital, land, cultural heritage, indigenous and local knowledge and biodiversity that result from climate change, inheriting socio-environmental problems that were not caused by them.

According to World Bank statistics, around 2.6 billion people were affected by natural disasters in the last 10 years, compared to 1.6 billion in the previous decade³⁰. Extreme weather events such as droughts, floods and heat waves tend to increase in frequency and intensity.

In Brazil, the main source of greenhouse gas emissions is the change in land use – for example, when forest is destroyed and the area is reused for pasture –, which represented 44% of emissions in 2018, the last year with available data³¹. Scientists warn that the

²⁷ THIERRY, Wim et al. Intergenerational inequities in exposure to climate extremes. Science, v. 374, n. 6564, p. 158-160, 2021. Available at: <<https://www.science.org/doi/10.1126/science.abi7339>>. Accessed on Feb 13/ 2022

²⁸ Idem.

²⁹ Idem.

³⁰ O aumento da incidência dos desastres naturais. Available at: <<https://economia.estadao.com.br/noticias/geral,o-aumento-da-incidencia-dos-desastres-naturais-imp-698211#:~:text=A%20quest%C3%A3o%20central%20%C3%A9%20que,o%20articultista%20com%20base%20>>. Accessed on June 30/2020.

³¹ Nota Técnica: Impacto da Pandemia de Covid-19 nas Emissões de Gases de Efeito Estufa no Brasil”, Sistema de Estimativas de Emissões de Gases de Efeito Estufa do Brasil (SEEG) e Observatório do Clima, 2 de maio de 2020, p. 18, Available at:

country's failure to contain the accelerating pace of forest loss could push the Amazon to a 'tipping point,' when vegetation can be replaced by something that is closer to a savannah, releasing huge amounts of greenhouse gases into the atmosphere, which would have catastrophic consequences for the Brazilian economy and for global efforts to mitigate climate change³².

The state of climate emergency has already been recognized by more than 30 countries, including the United Kingdom, France, Spain, Portugal, and Canada. In Brazil, only the municipality of Recife, in the State of Pernambuco, has done so. In this sense, Bill of Law n. 3961/20³³ was introduced in the Brazilian Congress, recognizing the state of climate emergency in Brazil until actions to reduce the impact of human activity on the climate are no longer urgent and necessary. Still under review in the House of Representatives, the bill prohibits the Brazilian government from reallocating budget resources intended for environmental protection, combating deforestation and reversing man-made climate change, for as long as the climate emergency lasts. In addition, it requires the government to complete a transition to a sustainable, zero-carbon socio-environmental economy by 2050. To that end, policies, programs and development plans must provide for actions to respond to the climate emergency, including the participation of states, municipalities and the Federal District.

There is growing evidence that climate change increases the frequency and/or severity of fire hazards worldwide, as land management alone cannot explain the recent increase in wildfires³⁴. Recently, in September 2020, Science Brief conducted a review³⁵ on the link between climate change and wildfire risk, an update that is focused on articles relevant to the ongoing wildfires in the western United States and important new findings for the forest fires that devastated several countries. This review is part of a collection on Critical Issues³⁶ in the Science of Climate Change, prepared for the COP26 climate conference held in Glasgow in 2021.

<http://www.observatoriodoclima.eco.br/wp-content/uploads/2020/05/SEEG-OC_Nota_Tecnica_Covid19_Final.pdf>
Accessed on Sep 10/2020.

³² Lovejoy, T.E., and Nobre, C., "Amazon Tipping Point: Last Chance for Action", Science Advances, 20 de dezembro de 2019. Available at: <<https://advances.sciencemag.org/content/5/12/eaba2949>> Accessed on Sep 10//2020.

³³BRASIL. Projeto reconhece estado de emergência climática no Brasil. Available at: <<https://www.camara.leg.br/noticias/680583-projeto-reconhece-estado-de-emergencia-climatica-no-brasil/>>. Accessed on Sep 10/2020

³⁴ JONES, Matthew W. et al. Climate change increases risk of wildfires. ScienceBrief Review, 2020. Available at: <<https://news.sciencebrief.org/wildfires-sep2020-update/>>. Accessed on Sep 10//2020.

³⁵Idem

³⁶ Science Brief Review. Critical Issues in Climate Change Science. Available at: <<https://sciencebrief.org/topics/climate-change-science>>. Accessed on Sep 10/ 2020.

Added to this is the notorious fact that planet Earth is rapidly heading towards a point of no return, unless urgent measures are taken. That is the alarming finding of a study conducted by the group of scientists Earth System Dynamics of the European Geosciences Union, which describes that this point of no return could even be reached before 2035³⁷. Another recently published study indicates that an “irreversible collapse” of civilization could occur if humanity remains on its current path, especially regarding the conversion of forests into anthropic environments. The most optimistic forecasts show a 90% risk of total collapse in the coming decades.³⁸

In addition, toxic smoke from the fires represents a great risk to human health, as previously demonstrated. According to Brazil’s National Research Institute (Inpe), 58% of greenhouse gas emissions in Brazil come from fires and deforestation³⁹.

The Intergovernmental Declaration on Children, Adolescents, Youth and Climate Change, supported by UNICEF, recognizes the impact of climate change “considering that children face high and specific risks due to climate change, that these impacts are already occurring and that children and the most disadvantaged and marginalized teenagers carry the heaviest burden.”⁴⁰

According to current projections, if global warming exceeds 4°C by 2100, this would lead to devastating consequences for the health of children, due to rising ocean levels, heat waves, the spread of diseases such as malaria and dengue, as well as malnutrition, in addition to irreversible damage to the environment.

According to a joint report by the UN, Unicef and the medical journal *The Lancet* published in early 2020: “Climate change, ecological degradation, migrant populations, conflict, persistent inequalities and predatory business practices threaten the health and future of children in every country in the world.” The publication also highlights the impacts of polluting gas emissions, the destruction of nature and the consumption of high-calorie and

³⁷ AENGENHEYSER, M. et al. The point of no return for climate action: effects of climate uncertainty and risk tolerance, *Earth Syst. Dynam.*, 9, 1085–1095. 2018. Available at: <<https://esd.copernicus.org/articles/9/1085/2018/>>. Accessed on Sep 5/2020.

³⁸ BOLOGNA, Mauro; AQUINO, Gerardo. Deforestation and world population sustainability: a quantitative analysis. *Scientific Reports*, v. 10, n. 1, p. 1-9, 2020. Available at: <<https://doi.org/10.1038/s41598-020-63657-6>>. Accessed on Sep 10/2020.

³⁹ INSTITUTO NACIONAL DE PESQUISAS ESPACIAIS-INPE. Available at: <<http://www.inpe.br/faq/index.php?pai=9>>. Accessed on Sep 10/2020.

⁴⁰ UNICEF. Acelerando a ação climática inclusiva e responsiva à criança e ao adolescente-Declaração Intergovernamental sobre Crianças, Adolescentes, Jovens e Mudanças Climáticas. Available at: <<https://www.unicef.org/brazil/declaracao-intergovernamental-sobre-criancas-adolescentes-jovens-e-mudancas-climaticas>>. Accessed on Sep 10/2020.

ultra-processed foods.⁴¹” According to the report, “Governments need to form coalitions across multiple sectors to overcome ecological and commercial pressures to ensure that children can enjoy their rights now and a livable planet for years to come.⁴²”

According to Unicef⁴³, “the causes of air pollution are the same as those of climate change. Approximately two billion children live in areas where air pollution levels exceed WHO standards – causing them to breathe toxic air and putting their health and brain development at risk. As mentioned, every year more than half a million children under the age of 5 die from causes related to air pollution. Pneumonia remains the leading infectious cause of death among children under age 5, killing approximately 2,400 children a day. Child deaths caused by pneumonia are strongly linked to malnutrition, lack of clean water and sanitation, indoor air pollution and inadequate access to healthcare – all challenges that are exacerbated by climate change.”

Brazil is, unfortunately, one of the countries that has been seriously failing to face climate change. It should be noted that the failure to provide internationally guaranteed rights, especially within the scope of the Convention on the Rights of the Child, that 14 children, including one from Brazil, filed a complaint with the Committee on the Rights of the Child, as authorized by article 5 of the Third Optional Protocol to the Convention of the United Nations on the Rights of the Child.

The case alleges that Argentina, Brazil, France, Germany and Turkey are deliberately omitting to act or acting against their commitments under the Paris Agreement. Therefore, these countries would be in violation of the provisions of the Convention on the Rights of the Child, especially the rights to life, health and culture, especially given that signatory States must ensure as much as possible the survival and development of the child (art. 6.2). The petition outlines the concrete effects that climate change has on children, such as asthma from air pollution and diseases like dengue and chikungunya.

In relation to the Brazilian context, specifically, the complaint⁴⁴ mentions that the current government is actively dismantling environmental regulations, policies and the budget allocated towards those issues. It mentions the drastic cuts in the budget of the

⁴¹ Idem.

⁴² Idem.

⁴³ UNICEF. Environment and climate change Climate change and environmental degradation undermine the rights of every child. Available at: <<https://www.unicef.org/environment-and-climate-change>>. Accessed on Sep /10/2020.

⁴⁴ UNITED NATIONS FOUNDATION. 5 THINGS TO KNOW ABOUT GRETA THUNBERG'S CLIMATE LAWSUIT. Available at :<<https://unfoundation.org/blog/post/5-things-to-know-about-greta-thunbergs-climate-lawsuit/>>. Accessed on Feb 14/2022.

Ministry of the Environment, the attempts to change the Forest Code, the changes in the Environment Council, among others. It also states that Brazil has doubled subsidies to fossil fuels since 2007, that energy investments are mainly concentrated in non-renewable sources, and that the country is among the largest carbon emitters in the world, ranking 22nd on that list. The petition also highlights the increase in fires and deforestation in the Amazon and concludes that the Brazilian State bears some responsibility, as it causes harm not only to its citizens but also to the international community as a whole.

Climate change is real, and, from the beginning of life, it imposes violations of rights that tend to have repercussions on the lives of this generation and future ones. In that sense, it is argued that children have the right to a stable and balanced environment, in view of all the consequences of environmental imbalance in their lives.

In short, as indicated by the research and data shown, the current climate emergency situation has greatly affected the children and youth population of the Global South. Environmental racism, in turn, produces more serious environmental impacts on black, indigenous and traditional community children, with intersections of vulnerabilities that require intersectional perspectives to guarantee rights in the face of climate change.

1.1.4 Right to food security and access to water

The rights of Brazilian children to food security and unrestricted access to drinking water (art. 24.2 CRC), also face disproportionate threats as a result of climate change. This is because climate change has a significant impact on agriculture, and Brazil is expected to see a reduction in the total farmland due to the desertification of certain areas⁴⁵. In addition, it is known that water supply crises are exacerbated by climate change in the rainfall regime and poor management of the basic sanitation system⁴⁶. Thus, the impacts resulting from the climate crisis can reduce the supply of water and the variety of food in the country, leading to an increase in food costs, and impacting the food security of the entire population.

Adequate nutrition is an essential factor in growth and development, in performing daily tasks, in the promotion and recovery of health: any deficiency in the supply of this

⁴⁵ Aquecimento Global e a Nova Geografia da Produção Agrícola no Brasil, Embrapa, 2008, publicado pela Embaixada Britânica no Brasil.

⁴⁶ Plano Nacional de Adaptação à Mudança no Clima. Available at: <http://www.mma.gov.br/images/arquivo/80182/PNA_%20Volume%202.pdf>. Accessed on June 22/2020.

quantity and variety of nutrients can cause irreversible negative impacts on the development of children. Malnutrition and anemia are still public health problems in Brazil and key factors for Brazilian children's low capacity to react to diseases⁴⁷.

After years of sharp decline, food insecurity has returned to Brazil, even before the COVID-19 pandemic. The FAO report revealed that the curve for malnutrition has grown⁴⁸ and, according to IBGE data reported in 2020⁴⁹, it has been shown that, in 2018, Brazil was once again featured on the Hunger Map⁵⁰. Data from 2019, and therefore prior to the pandemic, released by the National Child Food and Nutrition Study (ENANI)⁵¹ show that 47.1% of households with children under 5 years of age studied had some degree of food insecurity, with 38.1% classified as mild food insecurity, 5.2% as moderate and 3.8% as severe. In these households, the prevalence of some degree of food insecurity was 40.0% among whites, 51.2% among browns and 58.3% among blacks, with situations of greater vulnerability being highlighted in the North, Northeast and Midwest⁵².

In an unequal country like Brazil, hunger has an address, color and gender, and is proportionally more common in rural areas, in the Northeast and in families with women or black heads of the household. For example, data show that 74% of households with Severe Food Insecurity are headed by a black person⁵³. Already in the pandemic, a survey by the Brazilian Research Network on Food and Nutrition Sovereignty and Security carried out in December 2020⁵⁴ – that is, even before the most serious moment of the pandemic in Brazil

⁴⁷ Nota Técnica - 2016 - agosto - Número 26 - Crise econômica, austeridade fiscal e saúde: que lições podem ser aprendidas? 2009, p. 18.

⁴⁸ PINHATA, Thais. Relatório da ONU indica que fome no Brasil, que antes diminuía, voltou a crescer. Justificando, jul., 2019. Available at: <<http://www.justificando.com/2019/07/22/relatorio-da-onu-indica-que-fome-no-brasil-que-antes-diminuia-voltou-a-crescer/>>. Accessed on Feb 02/2021.

⁴⁹ Agência IBGE. 10,3 milhões de pessoas moram em domicílios com insegurança alimentar grave. Available at: <<https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/28903-10-3-milhoes-de-pessoas-moram-em-domicilios-com-inseguranca-alimentar-grave>>. Accessed on July 15/2021.

⁵⁰ SARAIVA, Alessandra; VILLAS BOAS, Bruno. IBGE confirma que país voltou ao Mapa da Fome em 2018, diz pesquisador. Available at: <<https://valor.globo.com/brasil/noticia/2020/09/17/ibge-confirma-que-pas-voltou-ao-mapa-da-fome-em-2018-diz-pesquisador.ghtml>>. Accessed on Feb 26/2021.

⁵¹ Universidade Federal do Rio de Janeiro. Características sociodemográficas: aspectos demográficos, socioeconômicos e de insegurança alimentar 2: ENANI 2019. - Documento eletrônico. - Rio de Janeiro, RJ: UFRJ, 2021. (104 p.). Coordenador geral, Gilberto Kac. Available at: <<https://enani.nutricao.ufrj.br/index.php/relatorios/>>. Accessed on: Nov 28/2021.

⁵² Agência Brasil. Estudo: Norte e Nordeste são regiões com maior insegurança alimentar. 2021. Available at: <<https://agenciabrasil.etc.com.br/geral/noticia/2021-09/estudo-norte-e-nordeste-sao-regioes-com-maior-inseguranca-alimentar>>. Accessed on Oct 28/2021.

⁵³ INESC. Um passo à frente, dez passos para trás – a volta da fome. Available at: <<https://www.inesc.org.br/categoria/artigo/#:~:text=Em%202020%20o%20or%C3%A7amento%20atual,a%20presen%C3%A7a%20militar%20na%20Amaz%C3%B4nia>>. Accessed on Feb 02/2021.

⁵⁴ Rede Brasileira de Pesquisa em Soberania e Segurança Alimentar e Nutricional. Inquérito Nacional sobre Insegurança Alimentar no Contexto da Pandemia da Covid-19 no Brasil (2021). Available at: <<http://olheparaafome.com.br/>>. Accessed on June 30/2021.

and when the emergency aid of BRL 600 was still being paid – found that, of the total of 211.7 million Brazilians, 116.8 million lived with some degree of food insecurity and, of these, 43.4 million did not have enough food. Still, 19 million Brazilians faced hunger.

A UNICEF study showed that 13% of Brazilian children stopped eating during the pandemic⁵⁵. Lack of access to adequate food makes these children more vulnerable to infectious agents and has significant impacts on growth, development and increased morbidity⁵⁶.

Studies⁵⁷ show that, in inhospitable situations and extreme food insecurity, survival struggles in the family tend to have devastating impacts on children in the long term, either by dropping out of school, developing health problems or being subjected to child labor. The resilience of children and their families depends on their access to nutrition, health, education, water and sanitation.

Just as the rights to life and health are associated, health, food and food security are also related rights. Food, especially children, is essential for the development of a healthy individual⁵⁸. On the other hand, the lack of adequate nutrition at the beginning of life can affect a whole life trajectory, with impacts on the scope of social skills, such as speech and language, communication, even their performance at school, as it compromises cognitive and motor development, affects growth and predisposes them to recurrent infections. As such, malnutrition early in life can permanently shape how the body functions.

In other words, ensuring the right to health and life, in its fullness, involves ensuring food security, understood as the “fulfillment of everyone’s right to regular and permanent access to quality food, in sufficient quantity, without compromising the access to other essential needs, based on health-promoting dietary practices that respect cultural diversity and are environmentally, economically and socially sustainable.”⁵⁹

Regarding access to water and prolonged droughts generated by climate change, there are frequent supply crises in Brazil, and the impact suffered by children is disproportionate.

⁵⁵ UNICEF. Impactos primários e secundários da COVID-19 em Crianças e Adolescentes. 3a Rodada, jun. 2021. Available at: <https://www.unicef.org/brazil/media/14786/file/apresentacao-terceira-rodada_pesquisa_impactos-primarios-secundarios-covid-19-criancas-adolescentes.pdf>. Accessed on July 29/2021.

⁵⁶ FIOCRUZ. Covid-19 e a saúde das crianças e adolescentes. Available at: http://www.iff.fiocruz.br/pdf/covid19_saude_crianca_adolescente.pdf. Accessed on Feb 02/2021.

⁵⁷ Food and Agriculture Organization of the United Nations: Available at: www.fao.org/climatechange/youth/en/. Accessed on Aug 25/ 2019.

⁵⁸ COUTINHO, Janine Giuberti, et al. A desnutrição e obesidade no Brasil: o enfrentamento com base na agenda única da nutrição. Available at: <<http://www.scielosp.org/pdf/csp/v24s2/18>>. Accessed on June 22/2020.

⁵⁹ II Conferência Nacional de Segurança Alimentar e Nutricional: A construção da Política Nacional de Segurança Alimentar. Available at: <<http://www.fomezero.gov.br>>. Accessed on March : 25/2020

Often, when this occurs, schools are the first to be disrupted. And, in addition to the damage to access to education, children are also deprived of school meals, which are often an important part of child nutrition in vulnerable families⁶⁰.

According to the WHO, in 2017, 361,000 children under the age of 5 died from diarrhea as a result of lack of access to clean water, sanitation and hygiene⁶¹. It is also worth noting that, according to a report released by the UN in 2019, more than 2 billion people lack basic sanitation services in the world, a scenario that refers to high-risk environments for children to develop intestinal diseases that interrupt and harm their growth and development⁶². In Brazil, 14.3% of children do not have access to water⁶³; 6.8% of children do not have a water system inside their homes⁶⁴; 7.5% of children have water at home, but it is not filtered or comes from a safe source⁶⁵; 3.1% of children do not have a bathroom at home⁶⁶.

The Survey conducted by UNICEF⁶⁷ with municipal representatives and civil society representatives from the State of Ceará showed how the drought phenomenon in the Brazilian northeast affects the access of 450,000 children in schools without drinking water or adequate toilets in the semi-arid region. Lack of clean water and clean restrooms leads students to learn less and miss more school because of a variety of issues, such as illnesses resulting from poor hygiene or menstrual periods in teenagers⁶⁸.

Still in the scenario of drought in northeastern Brazil, the long drought causes a series of damages to farmers, such as loss of crops and animals. In addition, the lack of productivity caused by drought causes a reduction in the purchasing power of rural people and aggravated by the increase in food prices, results in poor nutrition, especially for children.⁶⁹

⁶⁰ Plano Nacional de Adaptação à Mudança no Clima. Available at: <http://www.mma.gov.br/images/arquivo/80182/PNA_%20Volume%202.pdf>. Accessed on June 22/2020.

⁶¹ 1,7 milhão de crianças morrem por ano devido a fatores ambientais, dizem relatórios da OMS. Available at: <<https://g1.globo.com/bemestar/noticia/17-milhao-de-criancas-morrem-por-ano-devido-a-fatores-ambientais-dizem-relatorio-s-da-oms.ghtml>>. Accessed on Feb 10/2022.

⁶² Falta saneamento básico para 2 bilhões de pessoas no mundo, diz ONU. Available at: <https://agenciabrasil.ebc.com.br/geral/noticia/2019-03/falta-saneamento-basico-para-2-bilhoes-de-pessoas-no-mundo-diz-onu>. Accessed on June 3/2020.

⁶³ UNICEF. Pobreza na infância e na adolescência. Available at: <https://www.unicef.org/brazil/media/156/file/Pobreza_na_Infancia_e_na_Adolescencia.pdf>. Accessed on Feb 13/ 2022

⁶⁴ Idem.

⁶⁵ Idem.

⁶⁶ Idem.

⁶⁷ UNICEF. Os efeitos da seca na vida de crianças e adolescentes do Ceará e propostas. Available at: <https://www.unicef.org/brazil/media/4716/file/Os_efeitos_da_seca_na_vida_de_crianças_e_adolescentes.pdf>.

⁶⁸ CORONATO, Marcos. 450 mil crianças do semiárido estudam sem água, alerta Unicef. Revista Época, 09 out 2013. Available at: <<http://epoca.globo.com/tempo/noticia/2013/10/450-mil-criancas-do-semi-arido-estudam-sem-agua-alerta-unicef.html>>. Accessed on Feb 18/ 2014.

⁶⁹ UNICEF. Os efeitos da seca na vida de crianças e adolescentes do Ceará e propostas de solução. Available at: <https://www.unicef.org/brazil/media/4716/file/Os_efeitos_da_seca_na_vida_de_crianças_e_adolescentes.pdf>. Accessed on Feb 4/2022.

In this sense, the Committee must pay attention to the effects of climate change on agriculture and the supply of drinking water on the planet and the right of children to access good food and drinking water (art. 24.1.2 CRC), in view of its indispensability for the survival and guarantee of life and the integral development of children.

1.1.5 Indigenous children's rights

Indigenous children are the population group most affected by deforestation, fires, air pollution, climate change and other violations of indigenous land rights and, due to this scenario, they are one of the most vulnerable groups⁷⁰⁷¹⁷². **Thus, it is recommend that the Committee take a specific and priority look at the children of traditional peoples and communities, especially native peoples, such as indigenous populations, in particular their children's rights: to property and territorial protection; to health, social assistance and education policies; protection against all forms of violence and exploitation, such as conflicts over land and mining; and the right to culture, heritage and history itself linked to the natural biomes.**

In 2015 alone, it was estimated that there were at least 5,000 indigenous peoples in the world, totaling more than 370 million people, most of them making up the poorest 15% of the world's population⁷³. In Brazil, the 2010 IBGE Census reveals that 896,000 people identified as indigenous⁷⁴. Also, in the country, indigenous children have high infant mortality rates, which also indicates their greater vulnerability in the context of climate change. In 2019, there were at least 825 deaths of indigenous children, according to a report by the Indigenous Missionary Council (Cimi)⁷⁵, which is also symptomatic of how this

⁷⁰ BASTA, Paulo Cesar; HACON, Sandra de Souza. Impacto do mercúrio na saúde do povo indígena Munduruku, na bacia de Tapajós. 2020. Available at: <https://ds.saudeindigena.icicr.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf>. Accessed on July 30/2021.

⁷¹ ONU. Comentário Geral nº. 11: Crianças indígenas e seus direitos sob a Convenção (50ª sessão, 2009), ONU. Doc. CRC/C/GC/11, 12 de fevereiro de 2009, par. 35. Available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f11&Lang=en>. Accessed on July 13/2021.

⁷² UNICEF alerta sobre desnutrição crônica de crianças ianomâmis. Available at: <<https://www.unicef.org/brazil/comunicados-de-imprensa/unicef-alerta-sobre-desnutricao-cronica-de-criancas-ianomamis>>. Accessed on Aug 12/2021.

⁷³ United Nations Joint Framework Initiative on Children, Youth and Climate Change, 2009, 2010 and 2013.

⁷⁴ IBGE. O Brasil Indígena. Available at: <www.funai.gov.br/index.php/indios-no-brasil/o-brasil-indigena-ibge>. Accessed on June 30/2020.

⁷⁵ Conselho Indigenista Missionário (CIMI). Relatório Violência Contra os Povos Indígenas no Brasil Dados de 2019. Available at: <<https://cimi.org.br/wp-content/uploads/2020/10/relatorio-violencia-contra-os-povos-indigenas-brasil-2019-cimi.pdf>>. Accessed on July 01/2021.

population is more vulnerable in the context of conflicts involving indigenous lands, which occur in numerous ways, including the use of firearms and the improper exploitation of indigenous lands with the development of highly polluting activities, which consequently affect the health and lives of indigenous children.

A recent study by ⁷⁶the University of Lancaster, in the United Kingdom, indicated three main consequences of the climate crisis for pregnant women and babies located in the Brazilian Amazon in the northern region of Brazil, such as: (i) precarious health of newborn babies in the Amazon, due to the poor diet of pregnant women, in addition to the greater probability of premature births (before 37 weeks) and underweight after situations such as floods and droughts; (ii) impact on the food crop and consequently on access to nutritious food for pregnant women, who become potential targets of infectious diseases transmitted by mosquitoes; and (iii) negative impact on children's educational development, health and income throughout their lives.

This relationship between racism and climate change can be exemplified by the episodes of mercury contamination resulting from small-scale mining (garimpo) activity, which causes serious effects on health, well-being and human life, and is thus associated with the violation of a series of human rights, especially of indigenous children, which must be promoted and protected as a priority by the government and by society as a whole, including companies.

Currently, Brazil is facing a scenario with numerous setbacks in socio-environmental matters involving indigenous peoples and communities and mining. On top of that, a history of permissions for this activity has produced serious impacts on the environment and human health. Recently, the death of two indigenous children aged 4 and 5 years was reported due to the activity of mining machines⁷⁷. Also, mercury contamination resulting from these activities affects food chains and impacts the health of human beings, especially children and pregnant women, causing serious neural and motor health problems and other diseases resulting from malnutrition such as anemia and weight problems. In the study⁷⁸ conducted by the WWF in

⁷⁶ Chacón-Montalván, E.A., Taylor, B.M., Cunha, M.G. *et al.* Rainfall variability and adverse birth outcomes in Amazonia. *Nat Sustain* (2021). Available at:<<https://doi.org/10.1038/s41893-021-00684-9>> Accessed on March 02/2021.

⁷⁷ Duas crianças Yanomami são mortas após serem sugadas por draga do garimpo ilegal. Instituto Socioambiental, 2021. Available at: <<https://www.socioambiental.org/pt-br/noticias-socioambientais/duas-criancas-yanomami-sao-mortas-apos-serem-sugadas-por-draga-do-garimpo-ilegal>>. Accessed on Feb 09/ 2022.

⁷⁸ BASTA, Paulo Cesar; HACON, Sandra de Souza. Impacto do mercúrio na saúde do povo indígena Munduruku, na bacia de Tapajós. 2020. Available at:<https://ds.saudeindigena.icict.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf>. Accessed on July 30/2021

partnership with Fiocruz, it was found that: “in general, mercury levels above safe limits were detected in 6 out of 10 participants (57.9%). Mercury levels were detected in all participants without exception – adults, children and the elderly.”

This study⁷⁹ points out that mercury contamination from mining produces serious impacts on the environment and human health. This toxic substance is widely used in the extraction of gold, with the aim of separating the precious metal from the sediments during mining. After its release into the environment, mercury undergoes several chemical transformations and is incorporated into the food chain, reaching human beings and causing neurological, sensory, motor and food problems, among other diseases. In the Amazon, where mining has advanced significantly, mercury contamination has a significant impact on the health of indigenous peoples, who rely on fish as an indispensable element of their diet.

This research⁸⁰ evaluated the impacts of mercury contamination on inhabitants of the Sawré Muybu Indigenous Land, located on the middle Tapajós River, in the municipalities of Itaituba and Trairão, in Pará. Data collection took place in three villages impacted by mining: Sawré Muybu, Poxo Muybu and Sawré Aboy. The results point to evidence on the harmful effects of mercury contamination in the three Mundurucu villages – and indicate that the mining industry has been causing large-scale changes in land use in traditional Amazonian territories, with direct and indirect socio-environmental impacts for local populations, including damage to food security, the local economy, people’s health and ecosystem services.

The data also show⁸¹ the impacts on the local fauna: samples of fish collected showed contamination by mercury, indicating the magnitude of the impact of mining activity in the region. Fish species showed the highest levels of contamination, exceeding by more than 40% the maximum limit allowed (0.5 µg.g-1) for marketing and consumption of fish, according to FAO/WHO recommendations. The research proves that the residents of the investigated villages ingest fish contaminated by mercury in concentrations well above the limits internationally recognized as safe.

Another relevant finding⁸² is that “nine (15.8%) out of a total of 57 children under 5 years of age evaluated had problems in neurodevelopmental tests.” In addition, it was found

⁷⁹ Idem. cit. 27.

⁸⁰ Idem.

⁸¹ Idem.

⁸² Idem.

that “4 out of 10 children under five in the three villages had high concentrations of mercury.” This finding is especially worrisome, as mercury directly affects the central nervous system, which is still developing in children under 5 years of age, and the brains of fetuses still forming in the mother’s womb.

Data from children who presented problems in the language components and in the fine motor skills test is also worth mentioning. In an 11-month-old child who had problems in the gross motor component, a mercury level of 19.6 µg.g-1 was detected, which is considered to be at least 3 times higher than the safety limits established in this study. A child who presented problems in the language components, fine motor skills test, gross motor skills test and in the personal-social aspect had Cerebral Palsy and had a mercury level of 6.2 µg.g-1. This impairment is irreversible and gives a dimension of the risk to which pregnant women and children are subjected when contaminated by mercury. In other words, an entire generation of people living in the Amazon may have their future seriously threatened due to food and water contamination.

Research by the Federal University of Minas Gerais (UFMG) and the Federal Prosecutor’s Office (MPF)⁸³ also indicated that the explosion of mining in Indigenous Lands in the Amazon caused a significant increase in the use of mercury. And that at least 100 tons of mercury were dumped in the soil and in the Amazonian rivers in 2019 and 2020, which were used to produce 49 tons of illegal gold in that period. According to the research conducted, most of this gold (17 tons) originated from the region of the middle Tapajós, where indigenous people of the Munduruku ethnicity live. The social and environmental damage caused by mining, which includes the costs associated with illegal deforestation and soil and water contamination, amounts to almost 10 billion Brazilian reais.

Indigenous families who live in these areas of great environmental risk inevitably end up exhausting their resources in an attempt to survive, becoming even more vulnerable. Regarding food security for indigenous children⁸⁴: “Anemia was present in 21.1% of the group of children under 5 years old, but it was more evident among children aged 6 to 12 months – an indicator of a micronutrient deficit at the time when exclusive breastfeeding is

⁸³ EL PAÍS. Explosão do garimpo ilegal na Amazônia despeja 100 toneladas de mercúrio na região. Available at: <<https://brasil.elpais.com/brasil/2021-07-20/explosao-do-garimpo-ilegal-na-amazonia-despeja-100-toneladas-de-mercurio-na-regiao.html>>. Accessed on Aug 02/2021.

⁸⁴ BASTA, Paulo Cesar; HACON, Sandra de Souza. Impacto do mercúrio na saúde do povo indígena Munduruku, na bacia de Tapajós. 2020. Available at: <https://ds.saudeindigena.icict.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf>. Accessed On July 30/2021

interrupted. On the other hand, 16.7% of children under 5 years old showed signs of being overweight, suggesting changes in dietary patterns in the villages.”

According to a UNICEF survey⁸⁵, about 30% of Brazilian indigenous children are already affected by chronic malnutrition and, in the Legal Amazon region, the infant mortality rate among indigenous people remains much higher than that observed among non-indigenous children: indigenous girls and boys are more than twice as likely to die before reaching 1 year of age than other Brazilian children. A recent UNICEF-initiated study, conducted in Yanomami communities in Roraima and Amazonas, found that 80% of children under five are chronically malnourished, 48% have signs of acute malnutrition, and 67% have anemia⁸⁶.

Due to being people in a peculiar condition of development, children of different native ethnicities are today the most vulnerable subjects in land conflicts and other forms of intrusion and/or occupation in indigenous lands, whether demarcated or not⁸⁷. The advance of urban areas, agricultural activities, mining and other forms of pressure on these territories have generated violence, health risks and degradation of natural resources. Finally, it is important to highlight that this population is directly dependent on the balance and healthy maintenance of the biomes around them, not only to guarantee their right to life, survival and development, but also to guarantee their right to culture and the natural-historical patrimony, of the flora and fauna that surround them, as an interdependent, indivisible and interrelated part of their culture and their own history.

Research conducted by archaeologists, such as Eduardo Góes Neves and Michael Heckenberger and in the Amazon territory, point to discoveries that are essential for the preservation of the forest and, thus, an important part of Brazil’s history and that of its indigenous peoples. Their studies reached the following conclusions: (i) the Amazon has been occupied by indigenous peoples for over 12,000 years, who have developed complex societies and technologies highly adapted to local conditions and optimized the expansion of food production systems; (ii) Amazonian archeology shows how deeply the indigenous

⁸⁵ Unicef. Desnutrição. Available at: <<https://www.unicef.org/brazil/desnutricao>>. Accessed on July 20/2021.

⁸⁶UNICEF. UNICEF alerta sobre desnutrição crônica de crianças ianomâmis. Available at: <<https://www.unicef.org/brazil/comunicados-de-imprensa/unicef-alerta-sobre-desnutricao-cronica-de-criancas-ianomamis>>. Accessed on Aug em 12/ 2021.

⁸⁷ Portal G1. Desnutrição infantil, garimpo e Covid: entenda os problemas que afligem a Terra Indígena Yanomami. 27.05.2021. Available at: <<https://g1.globo.com/rr/roraima/noticia/2021/05/27/desnutricao-infantil-garimpo-e-covid-entenda-os-problemas-que-aflige-m-a-terra-indigena-yanomami.ghml>>. Accessed on July 01/2021.

history of the region is characterized by cultural and agrobiological diversity, being one of the few independent centers of plant domestication on the planet and the oldest center of ceramic production in the New World; (iii) the evolutionary history of Amazonian Biomes during the Holocene is significantly intertwined with the management practices of Indigenous Peoples to the point that today it is difficult to separate the natural from the cultural heritage in the region; and, finally, (iv) these technologies can inspire new forms of urbanism, waste management and land use systems integrated with the natural conditions of the Amazon and with the potential to drive sustainable solutions for its development.⁸⁸

In this sense, it appears that the preservation of Amazonian biomes, in addition to the direct environmental and climatic dimension, is also a condition for the preservation of the memory and identity of indigenous peoples historically and still present in forest territories. In fact, it concerns the memory of all Brazilians who can find in the forests, their trees and soil managed and handled by ancestral human beings, the future and the hope for the solution of the social and environmental conflicts of the present.

Thus, the constant threats to territories interfere with the permanence of indigenous peoples and quilombolas on their lands and cause damage to elements of identity and ancestry for future and current generations.

In this sense, the Convention on the Rights of the Child guarantees that States Parties undertake to respect the child's right to preserve his or her identity (art. 8.1 CRC), which includes the preservation of territories and the play culture of indigenous and quilombola populations. Also, according to article 30 of the CRC, indigenous children will not be denied the right, in community with the other members of their group, to have their own culture, to profess and practice their own religion or to use their own language. Furthermore, the Committee on the Rights of the Child, through General Comment No. 11, asserts that the exercise of the cultural rights of indigenous peoples is closely related to the use of traditional lands, since it is of considerable importance for the development and enjoyment of their culture. In addition, cultural rights to the preservation of the diversity of cultural expressions are protected by other international treaties, such as: the International Covenant on Economic, Social and Cultural Rights; the Convention on the Protection and Promotion of the Diversity of Cultural Expressions; and ILO Convention No. 169 on Indigenous and Tribal Peoples.

⁸⁸ Neves, Eduardo et. all. Peoples of the Amazon before European Colonization. Chapter 8. UN Climate Panel.

It is important to emphasize that the right of children, including indigenous people, to enjoy the biodiversity associated with their ways of life, cultural and religious traditions, and to enjoy their childhood and adolescence with environmental balance and good living is also a Brazilian constitutional right, and the State, families and society must guarantee it with absolute priority, as described in its article 227.

Thus, in General Comment No. 26, the Committee highlights the importance of emphasizing the cultural significance of traditional lands and the quality of the natural environment, protecting children's right to culture (art. 31 of the CRC), through the preservation of environmental ecosystems and biomes.

1.2 Impacts of air pollution on children: fossil fuels, fires and deforestation

Air pollution, exacerbated by climate change and resulting from high levels of fires for deforestation and emissions from vehicles that use fossil fuels, especially heavy diesel vehicles, is especially harmful to children both because of the climate impact of CO2 emissions, as well as the direct effects on their health and development. Thus, this topic should be highlighted by the Committee as a central problem related to the climate and environment to be faced around the world and in different communities of children, especially in the Global South.

Globally, 93% of children breathe toxic air and above WHO recommended standards every day (1.8 billion children) and more than one in four deaths of children under 5 is directly or indirectly related to environmental hazards. As Tedros Adhanom Ghebreyesus, Director-General of the WHO says, “Polluted air is poisoning millions of children and ruining their lives. This is unforgivable. Every child must be able to breathe clean air so that they can grow and reach their full potential.”⁸⁹

First, because they are physically smaller and still developing, children have weaker immune systems. Their size also implies a higher proportion of absorbed particulate matter in relation to body mass, when compared to an adult. Furthermore, children up to 12 years old

89 More than 90 of the worlds children breathe toxic air everyday> Available at: <<https://www.who.int/news/item/29-10-2018-more-than-90-of-the-worlds-children-breathe-toxic-air-every-day>>.

breath twice as fast as adults, inhaling, proportionally, a greater amount of air laden with pollutants⁹⁰.

It is known that the increase in temperatures is related to the increase in atmospheric pollutants such as ozone, a pollutant that tends to cause asthma attacks in children; temperature inversion and air pollution also have a special impact on children's health, with half of child deaths related to acute lower respiratory infections related to air pollution, including pneumonia in children under 5 years old⁹¹.

According to the WHO⁹², each year around 7 million premature deaths are attributable to air pollution – a staggering 800 people every hour or 13 every minute. In 2017, the organization released a study titled “Inheriting a sustainable world: Atlas on children’s health and the environment”, in which 570,000 children under the age of 5 die each year from respiratory infections, such as pneumonia, attributable to air pollution and secondhand smoke⁹³.

According to a WHO report, more than half a million children under the age of 15 die from air pollution every year⁹⁴. According to the WHO, polluted air in Brazil is responsible for the deaths of at least 633 children under 5 years of age each year⁹⁵. In addition to causing chronic respiratory and lung diseases, these early exposures can predispose to other problems in adult life, such as cardiovascular disease, stroke, diabetes and cancer⁹⁶. Good air quality, therefore, is crucial for children to have a healthy developmental course, which, especially in large cities, is constantly compromised.

⁹⁰ Poluição do ar: 9 em cada 10 crianças no mundo estão com saúde em risco. Futura, 2018. Available at: <<https://www.futura.org.br/poluicao-do-ar-afeta-criancas/#:~:text=De%20acordo%20com%20a%20OMS,est%C3%A3o%20mais%20expostos%20ao%20problema.>> Accessed on Feb 11/2022.

⁹¹ OMS. Health and the environment: addressing the health impact of air pollution. Available at: <http://apps.who.int/gb/ebwha/pdf_files/WHA68/A68_R8-en.pdf>. Accessed on August 12/2018.

⁹² Cinco razões pelas quais você deve se preocupar com a poluição do ar. PNUMA, 2019. Available at: <<https://www.unep.org/pt-br/noticias-e-reportagens/story/cinco-razoes-pelas-qualis-voce-deve-se-preocupar-com-poluicao-do-ar>>. Accessed on Feb 10/2022.

⁹³ 1,7 milhão de crianças morrem por ano devido a fatores ambientais, dizem relatórios da OMS. Available at: <<https://g1.globo.com/bemestar/noticia/17-milhao-de-criancas-morrem-por-ano-devido-a-fatores-ambientais-dizem-relatorio-s-da-oms.ghtml>>. Accessed on Feb 11/2022.

⁹⁴ OMS alerta que poluição do ar mata 600.000 crianças ao ano. Available at: <https://www.em.com.br/app/noticia/internacional/2018/10/29/interna_internacional,1001239/oms-alerta-que-poluicao-do-ar-mata-600-000-criancas-ao-ano.shtml>. Accessed on Feb 11/2022.

⁹⁵ Poluição mata 633 crianças por ano no Brasil, aponta a OMS. Available at: <<https://saude.estadao.com.br/noticias/geral,poluicao-mata-633-criancas-por-ano-no-brasil-aponta-oms,70002573314>>. Accessed on Feb 11/2022.

⁹⁶ Ashish Sharma, Prashant Kumar. A review of factors surrounding the air pollution exposure to in-pram babies and mitigation strategies. Environment International. Volume 120. 2018. Available at: <<https://doi.org/10.1016/j.envint.2018.07.038>>. Accessed on Feb 11/2022.

According to a report published by the UN⁹⁷ in 2019, air pollution is “a silent killer” that kills millions of people each year⁹⁸. Still, each year, air pollution kills half a million children⁹⁹ under five years of age in the world, according to data from the World Health Organization (WHO). According to a survey conducted by the State of Global Air 2020¹⁰⁰, general data on deaths by countries indicate that, in Brazil, in 2019, 60,900 deaths were attributed to air pollution. A 2018 WHO survey spoke, at the time, of 50,000 deaths per year¹⁰¹.

There is no doubt that air pollution, with 90% of the world's population breathing air below safe levels, is a global public health emergency and poses one of the greatest threats to human health. Sources of air pollution can be very different, but their effects are just as deadly.

In Brazil, in 2016, as a result of pollution, it is estimated that 633 children under the age of six and 60 people aged between 6 and 14 died. Equally relevant is the fact that pneumonia in the country appears as the main justification for hospitalizations under the Unified Health System.¹⁰² And, if the scenario is already extremely concerning, there is unfortunate evidence that the situation can worsen even further. A WHO publication showed that air pollution worsened by 8% between 2008 and 2013. According to the Organization for Economic Co-operation and Development (OECD), under-five mortality could be 50% higher than it is today in 2050 as a result of air pollution. Another study published in the journal *Nature* provides more worrying projections: mortality from pollution could double by 2050.¹⁰³

⁹⁷ ONU NEWS. Poluição do ar é “um assassino silencioso” que mata 7 milhões de pessoas por ano. Available at: <<https://news.un.org/pt/story/2019/03/1662651>>. Accessed on Oct 10/2020

⁹⁸ Idem 16

⁹⁹ WORLD HEALTH ORGANIZATION et al. Inheriting a sustainable world? Atlas on children's health and the environment. World Health Organization, 2017. Available at: <<https://www.who.int/ceh/publications/inheriting-a-sustainable-world/en/>>. Accessed on Sept 22/20

¹⁰⁰ HEALTH EFFECTS INSTITUTE.. State of Global Air 2020. Data source: Global Burden of Disease Study 2019. IHME, 2020. Available at: <<https://www.stateofglobalair.org/data/#/healthmap>>. Accessed on Oct 10/2020.

¹⁰¹ WORLD HEALTH ORGANIZATION. Health Guidelines for Vegetation Fire Events. Organização Mundial da Saúde, 1999, p. 69. Available at: <<http://gfmc.online/wp-content/uploads/WHO-Guidelines-Vegetation-Fire-Events-1999.pdf>> Accessed on Sept 20/2021.

¹⁰² DATASUS. Pneumonia é a maior responsável pelas hospitalizações de acordo com relatório do sistema do DATASUS. Available at: <<http://datasus.saude.gov.br/nucleos-regionais/sao-paulo/noticias-sao-paulo/402-pneumonia-e-a-maior-responsavel-pelas-hospitalizacoes-de-acordo-com-relatorio-do-sistema-do-datasus>>. Accessed on Aug 20/ 2018.

¹⁰³ UNICEF. Clear the air for children. Available at: <https://www.unicef.org/publications/files/UNICEF_Clear_the_Air_for_Children_30_Oct_2016.pdf>. Accessed on Aug 20/2021.

In Brazil, in addition to mobile sources of pollution, it is important to consider pollution from agro-pastoral sources, such as fires. When the source of pollution is the burning, in addition to all the associated environmental loss, there are other considerable losses: increased emission of greenhouse gases, respiratory and cardiovascular diseases, as well as premature deaths, with children, the elderly, pregnant women and people with preexisting lung or heart disease being the most vulnerable.

In 2020, as if the global crisis experienced with the pandemic caused by Covid-19 was not enough, Brazil reached record rates of fires and deforestation, in the Amazon region and in the Pantanal¹⁰⁴. The data from the Queimadas Program of the National Institute for Space Research (INPE) are alarming. In the Amazon region, the increase in fire outbreaks totaled, from the beginning of the year to November, more than 100,000 outbreaks, and the total area burned in the biome of more than 76,000 km². The Pantanal region, on the other hand, recorded more than 21,800 fire outbreaks, and a total burned area of more than 40,000 km². In 2019, there were 129,089 fires¹⁰⁵ in the Legal Amazon, 39% more than in 2018, 81% higher than the average between 2011 and 2018.

The impacts of residual pollution from fires are reflected in multiple areas of children's lives. Researchers at Princeton and Duke universities¹⁰⁶ found that exposure to pollution from fires in the last few months of pregnancy leads to premature births and possible increases in fetal mortality. In this sense, another study¹⁰⁷ showed that the effects of the environment on children's health are extremely amplified during pregnancy. Also, research indicates that exposure to these pollutants can cause premature births (before completing 37 weeks of gestation) and low birth weight (less than 2500 grams), in addition to increasing the risk of malformations. These babies are also more likely to die in infancy and may survive with greater risks of developing diabetes and respiratory, digestive or brain disorders as adults. In other words, the damage can extend for a lifetime.

¹⁰⁴ IPAM Amazônia. Amazônia em chamas: o que queima - e onde. 2020. Available at:

<<https://ipam.org.br/bibliotecas/amazonia-em-chamas-5-o-que-queima-e-onde/>>. Accessed on Feb 10/2022.

¹⁰⁵ Prioridade Absoluta. Sumário para os jornalistas: Ongs levam Governo ao STF. Available at: <<https://prioridadeabsoluta.org.br/wp-content/uploads/2016/05/sumario-para-jornalistas-ongs-levam-governo-ao-stf.pdf>>. Accessed on Feb 10/2022.

¹⁰⁶ Scientific American Brasil. Queimada de colheita de cana afeta saúde infantil. Available at: <<https://sciam.uol.com.br/queimada-de-colheita-de-cana-afeta-saude-infantil/>>. Accessed on June 30/2020.

¹⁰⁷ Instituto de Ambiente e Sustentabilidade da Universidade da Califórnia em Los Angeles. Available at: <<http://www.environment.ucla.edu/reportcard/article1700.html>>. Accessed on June 30/2020.

The report “The Air Is Unbearable: Health Impacts of Deforestation-Related Fires in the Brazilian Amazon¹⁰⁸”, recently published by Instituto de Pesquisa Ambiental da Amazônia (IPAM) [Amazon Environmental Research Institute], Instituto de Estudos para Políticas de Saúde (IEPS) [Institute for Health Policy Studies] and Human Rights Watch demonstrates that the fires associated with rampant deforestation in the Brazilian Amazon, in the years 2019 and 2020, are poisoning the air that millions of people breathe and dramatically affecting their health. That report used official health and environmental data to estimate that 2,195 hospital admissions for respiratory diseases in 2019 were attributable to the fires. Nearly 500 admissions involved children under one year of age. The report corroborates data from a study by Fiocruz¹⁰⁹, from the end of 2020, which showed that the number of hospitalizations of children with respiratory problems doubled in the cities most affected by the fire. These hospitalizations represent only a fraction of the total health impact of the fires, considering that millions of people were exposed, in 2019, to harmful levels of air pollution from fires associated with deforestation in the Amazon, as well as the Pantanal.

The report includes a statistical analysis of official data on hospital admissions, deforestation, hotspots and air quality, particularly the presence of pollutants associated with fires in the Amazon region. Hospitalizations attributable to the fires lasted, on average, three days, and totaled almost 7,000 days in hospitals. The assessment was also based on interviews with 67 health professionals, authorities and experts. The report also describes that the impact of the fires extends far beyond hospitalizations, as many people who became ill from the smoke did not even have access to health services and many others had respiratory problems that, although serious, did not require hospitalization. "The pathology is more severe the younger the child is," said the assistant director of a children's hospital about children with pre-existing conditions. He also highlighted that “premature newborns, babies who used respiratory devices, among others, are very sensitive to these conditions”.

The report also reveals that in August 2019, almost 3 million people in 90 municipalities in the Amazon region were exposed to harmful levels of air pollution, above

¹⁰⁸ HRW; IPAM; IEPS. O ar é insuportável” - Os impactos das queimadas associadas ao desmatamento da Amazônia brasileira na saúde - Human Rights Watch (HRW), Instituto de Estudos para Políticas de Saúde (IEPS) e Instituto de Pesquisa Ambiental da Amazônia (IPAM). Available at: <<https://acervo.socioambiental.org/acervo/documentos/o-ar-e-insuportavel-os-impactos-das-queimadas-associadas-ao-desmatamento-da#:~:text=As%20conclus%C3%B5es%20indicam%20que%20as,doen%C3%A7as%20respirat%C3%B3rias%20atribu%C3%ADveis%20%C3%A0s%20queimadas>>. Accessed on February 10/2022.

¹⁰⁹ FIOCRUZ. Queimadas na Amazônia causam forte impacto no SUS. Available at: <<https://amazonia.fiocruz.br/?p=29897>>. Accessed on Sept 20/2020.

the limit recommended by the WHO. In September, the number increased to 4.5 million people across 168 municipalities¹¹⁰.

Thus, in addition to threatening the environment, fires in the Amazon and Pantanal generate serious risks to public health. In fact, experts warn that if soot descends to the lower layers of the atmosphere, it can settle in the lungs and be distributed through the blood¹¹¹, which, in the most serious situations, can cause cardiovascular complications, such as heart attack or stroke.

It is important to mention that the pollutants emitted by the fires can be transported over great distances, reaching cities far from the outbreaks. That's because the fires produce a mixture of toxic pollutants that can linger in the air for weeks. As described in the report published by Fiocruz:

“The Arc of Deforestation area concentrates most of the fires and also the highest rates of hospitalization for respiratory diseases in the Amazon region. In May and June of 2019 alone, around 5000 children were admitted per month in this area, twice the expected number. Living in a city close to heat sources increases the probability of being hospitalized for respiratory diseases by 36%¹¹².”

Among the pollutants are fine particulate matter (PM2.5), CO (carbon monoxide), NO2 (nitrogen dioxide) and volatile organic compounds (VOCs) that can cause the worsening of heart disease, inflammation of the airways, systemic inflammation and neuroinflammation, endothelial dysfunction, coagulation, atherosclerosis, alteration of the autonomic nervous system, and DNA damage, with carcinogenic potential.

This research also points out that the main threat to public health is particulate matter smaller than 2.5 micrometers in diameter, known as PM2.5 – one of the main components of the smoke, this same particulate matter inhaled in the country comes from the burning of the Amazon Forest, which also makes it a threat to the environment.

As shown, the exposure of pregnant women and babies to pollution increases the percentage of fetal deaths and the risk of infant mortality, in addition to favoring the development of chronic respiratory diseases, lung diseases, among other health problems. A study published in 2018 by the Faculty of Medicine of the University of São Paulo (USP), **“Ar limpo – um direito fundamental de todas as crianças para um futuro saudável”**

¹¹⁰ Idem.

¹¹¹ Idem.

¹¹² Idem.

[Clean air – a fundamental right of all children for a healthy future”¹¹³, corroborates the data presented above:

“With regard to the effects of air pollution on children's health, the aforementioned study presents scientific evidence of the effects of prenatal exposure on children's health a) **Neonatal and post-neonatal mortality** - evidence suggests that exposure to high levels of PM10 and SO₂, or even at acceptable levels, is correlated to increased neonatal and post-neonatal death rates, particularly due to respiratory complications; b) **Prematurity** - premature birth is a major cause of neonatal morbidity and mortality, and there is evidence that maternal exposure to air pollution during pregnancy is associated with an increased risk of preterm birth; c) **Low birth weight** - low birth weight is the effect most associated with exposure to air pollution, indicating that fetal growth and duration of pregnancy are being affected, and considering all studies dealing with exposure to air pollution and low birth weight.”.

It is essential to consider that some children are especially vulnerable due to pre-existing health conditions, such as heart or chronic respiratory diseases, immunosuppression or malnutrition, which further exacerbates the impact of pollution in this age group¹¹⁴ and proves that pollution aggravates a scenario of structural inequalities that make children vulnerable from an early age.

The study also depicts that air pollution is not only linked to child mortality, but also to a series of adverse health outcomes, including pneumonia, asthma, bronchitis, neurodevelopmental disorders and metabolic changes. Among these, the study points out: **a) respiratory effects**, stating that there is no doubt, based on scientific evidence, that exposure to air pollution for long periods in childhood plays a significant role in the development of diseases related to respiratory health, such as asthma , bronchitis and allergies; **b)**

¹¹³ PRIORIDADE ABSOLUTA. Ar limpo – um direito fundamental de todas as crianças para um futuro saudável. Available at: <<https://prioridadeabsoluta.org.br/biblioteca/ar-limpo-um-direito-fundamental-de-todas-as-criancas-para-um-futuro-saudavel/>>. Accessed on Sept 22/20

¹¹⁴ UNICEF. Clear the Air for Children. Available at: <https://www.unicef.org/publications/files/UNICEF_Clear_the_Air_for_Children_30_Oct_2016.pdf>. Accessed on Aug 21/2021.

neurobehavioral effects, detailing that in recent years research has revealed new and troublesome effects related to neurological development that can be attributed to pre and postnatal exposure to air pollution; **c) endocrine effects**, revealing that exposure to air pollution is associated with effects on the endocrine system and metabolic disorders such as insulin resistance and obesity in children, and **d) mortality**, demonstrating a significant association between air pollution levels and deaths from respiratory causes in infants and children.

The conclusions about the impacts of pollution on cognitive development are also assertive¹¹⁵. Exposure of pregnant women can affect the white matter of the brain, responsible for communication between different parts of the brain, which, in the future, can cause developmental delays, lower intelligence quotient and increase signs of anxiety, depression and attention problems. Also, as the blood brain barriers in children are still developing, this tissue is less resistant and more vulnerable, such that inhaled ultrafine particulate matter can enter the bloodstream, which can cause degeneration of the blood brain barriers, leading to oxidative stress, neuroinflammation. and neural tissue damage, which is reflected in reduced cognitive function. The scientific literature also looks at the connection between environment, air pollution and neurotoxicity in brain structure, which would contribute to neurodegenerative diseases leading to cognitive impairments.

As described above, several diseases in children are the result of air pollution. Given such evidence, the WHO issued an opinion defending that:

“All countries should work to meet WHO global air quality guidelines to enhance the safety and wellbeing of children. To achieve this, governments should adopt such measures as cutting back on fossil fuel combustion and investing in energy efficiency and renewable energy sources”¹¹⁶.

The Technical Report¹¹⁷ by the Observatory of Climate and Health, a project coordinated by ICICT/Fiocruz, a study that also included work by scientists from the National School of Public Health (ENSP/Fiocruz), the University of São Paulo (USP) and the

¹¹⁵ PRIORIDADE ABSOLUTA. Não polua o meu futuro! O impacto do ambiente na saúde das crianças. 2016. Available at: <<https://prioridadeabsoluta.org.br/biblioteca/nao-polua-o-meu-futuro-o-impacto-do-ambiente-na-saude-das-criancas/>>. Accessed on Sept 22/2022.

¹¹⁶ WHO. Health and the environment: addressing the health impact of air pollution. Available at: <http://apps.who.int/gb/ebwha/pdf_files/WHA68/A68_R8-en.pdf>. Accessed on Sept 16/2020

¹¹⁷ FIOCRUZ. Queimadas na Amazônia causam forte impacto no SUS. Available at: <<https://amazonia.fiocruz.br/?p=29897>>. Accessed on Sept 20/2020.

University of the State of Mato Grosso (UNEMAT, warns managers and professionals of the Unified Health System to plan for the healthcare of the more vulnerable populations, pointing to the importance of strengthening basic health care and the active search for cases in places with greater concentration of fires and higher levels of air pollution, as some population groups may not have access to hospitals. That report shows that:

“The impacts and effects of air pollution on human health affect age groups differently, with children and the elderly being more susceptible to pollution, or those with chronic diseases, such as asthma and other inflammatory illnesses, which are aggravated by pollution, mainly by toxic gases and fine particulate matter. **Children are more susceptible to pollution, as their immune systems and respiratory systems are still developing.** In addition, children spend more time outdoors than adults and inhale more pollutants. The deposition of particles in the lung increases 5-fold during physical exercise. Exposure to air pollution exacerbates airway inflammation and increases autoimmune activity (Vidoto et al., 2012). Several studies in the Amazon conducted by the Fiocruz group, referring to the exposure of schoolchildren between 6 and 13 years old to air pollution, show the effects of the fires, characterized by the reduction of children's lung function (Jacobson et al, 2012; 2014; Rosa et al, 2009). Thirty-six groups of cities with high hospitalization rates were identified, corresponding to 100 municipalities. In these cities, a total of 5091 hospitalizations per month was verified, when the expected number would be 2589, that is, almost double the normal, if the incidence of respiratory problems were uniform throughout the Amazon. These results suggest an excess of about 2500 hospitalizations of children in the municipalities most affected by the fires. **Considering the average profile of hospitalizations of children for respiratory problems in the SUS, these hospitalizations would have generated an excess cost of 1.5 million Brazilian reais and 9,750 days of bed occupation in public hospitals and those with agreements with the SUS. With regard to mortality from respiratory diseases, it is currently only possible to assess deaths that occurred in hospitals, that is, among hospitalized children.** From January to July 2019, there were more cases of deaths in the states of Rondônia, Pará and Mato Grosso compared to the same period in 2018. In Pará, for example, there was a decrease from 16576 to 15083 hospitalizations. However, the number of child deaths from respiratory problems increased from 86 to 88 in 2018.” (transcription emphasis)

What is certain is that the fires increase respiratory problems and increase costs for the health system. Research by the WWF in partnership with Fiocruz¹¹⁸ revealed that “between January 2010 and October 2020, there were 1,252,834 hospital admissions due to respiratory diseases for all the analyzed states” and that “the Unified Health System faced a health expenditure of approximately 1 billion Brazilian reais with hospitalizations resulting from high concentrations of air pollutants. Another recent¹¹⁹ study by CDP (Disclosure. Insight. Action.) revealed the financial impact of premature deaths caused by air pollution in Brazilian capitals and showed that the country lost more than USD 1.7 billion (about BRL 8.5 billion) per year in terms of wasted productivity and healthcare expenditures for this reason.

Deforestation in the Amazon region, by itself, is capable of causing several respiratory diseases, as demonstrated by a study published in the journal *Nature*¹²⁰, which is reinforced by other academic studies¹²¹. According to studies and reports published by the Observatory of Climate and Health, which since its foundation in 2010 has been following the evolution of the fires and their effects on the health of populations in the Amazon and Cerrado, a strong upward trend has been observed in the incidence of respiratory diseases during the period in which the decrease in rainfall in the region, the drop in humidity levels, the occurrence of fires and atmospheric contamination by the various types of pollutants coincide.

In metropolitan areas, the air pollution problem has become one of the most serious threats to the quality of life of its inhabitants. Generally speaking, in these locations, motor vehicles are the main cause of the air pollution issue. Emissions caused by vehicles carry several toxic substances that, in contact with the respiratory system, can produce several negative effects on health. Brazil, like every developing country, presents an expressive growth in the vehicle fleet. The State of São Paulo faces a particularly worrying situation as it holds about 40% of the country's automotive fleet¹²².

¹¹⁸ Amazônia brasileira: potenciais impactos das queimadas sobre a saúde humana no contexto da expansão da covid-19. Available at: <https://wwfbr.awsassets.panda.org/downloads/nota_tecnica_covid_x_queimadas_na_amazonia_arquivo_final.pdf>. Accessed on Sept 20/2020.

¹¹⁹ Poluição do ar custa mais de 8 bi por ano ao Brasil em mortes prematuras nas capitais, diz estudo. Available at: <<https://sustentabilidade.estadao.com.br/noticias/geral,poluicao-do-ar-custa-us-1-7-bi-por-ano-ao-brasil-em-mortes-prematuras-as-nas-capitais-diz-estudo,70003739835>>. Accessed on Sept 20/2020.

¹²⁰ NATURE. Available at: <<https://www.nature.com/articles/s41598-017-11024-3>>. Accessed on Sept 20/2020.

¹²¹ Queimadas na Amazônia podem causar danos aos pulmões. Available at: <<https://jornal.usp.br/ciencias/ciencias-da-saude/queimadas-na-amazonia-podem-causar-danos-pulmonares/>>. Accessed on Sept 20/2020.

¹²² Available at: <<https://cetesb.sp.gov.br/veicular/relatorios-e-publicacoes/>>. Accessed on Sept 20/2020.

In metropolitan regions, emissions from road vehicles, such as cars, buses, trucks and motorcycles, are the main sources of pollution. These emissions are composed of various toxic substances that, when absorbed by the respiratory system, produce negative effects on health. These emissions are composed of gases such as: carbon monoxide (CO), nitrogen oxides (NO_x), hydrocarbons (HC), sulfur oxides (SO_x), particulate matter (PM), etc.

The motorized fleet in the state of São Paulo, in December 2013, calculated according to the methodology of the state inventory explained in CETESB's Vehicle Emissions Report¹²³, was approximately 14.8 million vehicles, of which 9.8 million were automobiles, 1.9 million light commercial vehicles, 540,000 buses and trucks and 2.6 million motorcycles. The fleet of the Metropolitan Region of São Paulo (RMSP) represents about 7 million vehicles. The fleet of diesel cycle vehicles (trucks, buses, minibuses, pickup trucks and vans) in the state of São Paulo comprises 885,000 vehicles and in the RMSP 378,000 vehicles.

Light vehicles are a source of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides, extremely harmful to health and that also contribute to the greenhouse effect, especially when such gases, through chemical processes, are transformed into carbon dioxide, methane and nitrous oxide.¹²⁴ Heavy vehicles, on the other hand, are the main emission sources of particulate matter and polluting nitrogen oxides that have a serious impact on health. Therefore, it is strategic to recommend restrictive regulations on pollutant emissions from such vehicles, given that, despite representing less than 5% of the Brazilian road fleet, they contribute 90% of vehicle pollutant emissions¹²⁵.

It is important to understand that, despite having advanced in setting limits for pollutant emissions¹²⁶, Brazil faces many barriers impeding progress towards the adoption of the most effective standard in their control¹²⁷, especially due to the contrary force of transnational companies that actively perform institutional lobbying with national authorities to delay new regulations and advances, clearly adopting a double standard of conduct and discriminating against Brazilian children in relation to their host countries. The most serious example of this situation is evident with heavy vehicles. Since 2012, the Euro5 standard for

¹²³ CETESB. Available at: <https://cetesb.sp.gov.br/veicular/relatorios-e-publicacoes/>. Accessed on Sept 20/2020.

¹²⁴ Available at: http://bdtd.ibict.br/vufind/Record/USP_dbc35e46f81ab71775d8f348619af9e4. Accessed on Sept 20/2020.

¹²⁵ ICCT. Deixado para trás: Brasil poderá ser o último grande mercado automotivo a adotar o padrão Euro VI. Available at:

<https://www.theicct.org/blog/staff/deixado-para-brasil-podera-ultimo-mercadoautomotivo-adotar-padr%C3%A3o>. Accessed on Sept 20/2020.

¹²⁶ Available at: http://www.mma.gov.br/estruturas/163/_arquivos/proconve_163.pdf. Accessed on Sept 20/2020.

¹²⁷ Available at: <https://economictimes.indiatimes.com/news/economy/policy/government-comes-outwith-draft-norms-for-euro-vi-emission-standard/articleshow/51176451.cms>. Accessed on Sept 20/2020.

heavy vehicles has been in force in Brazil. This standard, however, is not in line with the most advanced aspects of the subject and with what has already been adopted by countries committed to the health of their citizens who have adopted the Euro6 standard since 2010. An indisputable example of this is the fact that, over thirty years of validity of the Euro 6 equivalent standard for heavy vehicles, the benefits would include the prevention of 74,000 premature deaths from exposure to pollutant emissions: the approval and implementation of this standard is fundamental and urgent as each year of delay in the implementation of the Euro6 standard results in 2,500 more premature deaths.¹²⁸

In the state of São Paulo, air pollution has worsened as a result of automotive and industrial sources¹²⁹. In recent years, the average annual levels of inhalable particulates have remained two to five times above the air quality standards recommended for health by the World Health Organization (WHO)¹³⁰, which is related to health problems and cognitive disorders, especially in children¹³¹. In this sense, a study conducted in the city of São Paulo found a 2.4% increase in hospitalizations for respiratory diseases in children under five years of age associated with an increase in pollutants and carbon¹³², captured at the sample collection sites distributed throughout the municipality.

According to data from the São Paulo Early Childhood Observatory, the city had a population of 1,101,376 children up to six years old in 2018. In relation to low birth weight, the following is verified: in 2018, 15,690 were born in the city with low weight, totaling 9.48% of live births¹³³. Another relevant – and worrisome – indicator is the high number of hospitalizations for respiratory diseases: in the same year, 23,533 children, out of a total of 789,575, were hospitalized, at a rate of 2.98%¹³⁴. In the same period, there were 9,878 hospitalizations in neonatal beds, only in the public health network¹³⁵, as well as 1,211 infant

¹²⁸ ICCT. Euro VI para o Brasil: um caminho claro para céus mais limpos. Available at: <https://www.theicct.org/blogs/staff/euro-VI-para-o-brasil-um-caminho-claro-para-ceus-mais-limpos>. Accessed on Sept 20/2020.

¹²⁹ Governo do Estado de São Paulo, Secretaria do Meio Ambiente, Companhia Ambiental do Estado de São Paulo (Cetesb). Qualidade do ar no estado de São Paulo sob a visão de saúde. 2015.

¹³⁰ Freire, Diego. Danger in the skies of São Paulo. Pesquisa Fapesp, nº 259, set. 2017.

¹³¹ Andrade, Maria de Fatima et. al. Air quality in the megacity of São Paulo: Evolution over the last 30 years and future perspectives. Atmospheric Environment: volume 159, páginas 66-82, jun. de 2017.

¹³² <https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/concentracao-de-monoxido-de-carbono-co>

¹³³ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/baixo-peso-ao-nascer>>. Accessed on Sept 20/2020.

¹³⁴ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/internacao-por-doencas-respiratorias>>. Accessed on Sept 20/2020.

¹³⁵ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/internacoes-em-leitos-hospitalares-neonatal>>. Accessed on Sept 20/2020.

deaths in the neonatal period, up to 27 days of life¹³⁶, with 396 in the period from 7 to 27 days of life¹³⁷ and 815 with less than one week of life¹³⁸, among 165,386 live births.

Not by chance, the Associação Paulista de Medicina launched the manifesto *Um Minuto de Ar Limpo*¹³⁹, highlighting the urgent need to reduce air pollution to stop the increase in diseases linked to it in São Paulo, especially considering that, according to the institution's projections, if pollution remained at the rates obtained in 2018 until 2025, in the metropolitan region of São Paulo, an estimated 51,367 deaths and 31,812 hospitalizations in the public healthcare system due to respiratory, cardiovascular and lung cancer diseases will occur.

Given all the evidence reported here, States Parties, public institutions and private agents, such as transnational companies, have the responsibility to act promptly to solve this global emergency, paying particular attention to the rights of children who, due to their condition of vulnerability, are the most affected by climate change and pollution. This responsibility is also a legal duty, in accordance with the provisions of the Convention on the Rights of the Child, which seek to guarantee the rights to life (art. 6), health (art. 24) and culture (art. 30), and assign States Parties the duty to ensure as much as possible the survival and development of the child (art. 6.2), with preservation of their identity (art. 8.1), right to rest, leisure, entertainment, recreational activities, participation in cultural and artistic life (art. 31) and education oriented towards respect for the environment (art. 29). Specifically, Article 24.2, when addressing the right to health, provides that “*States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (...) taking into consideration the dangers and risks of environmental pollution.*” With this, the Convention confirms the duty of States to face the climate emergency.

1.3 Impacts of lack of contact to Nature and the explicit recognition of the child's right of access to nature

¹³⁶ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/mortalidade-neonatal-ate-27-dias>>. Accessed on Sept 20/2020.

¹³⁷ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/mortalidade-neonatal-tardia-7-27-dias>>. Accessed on Sept 20/2020.

¹³⁸ Available at: <<https://www.observaprimeirainfancia.org.br/br/SP/sao-paulo/mortalidade-neonatal-precoc>>. Accessed on Sept 20/2020.

¹³⁹ Manifesto Um Minuto de Ar Limpo. Available at: <https://www.saudeesustentabilidade.org.br/wp-content/uploads/2018/10/Manifesto_final-english.pdf>. Accessed on Sept 20/2020.

Extreme weather events such as extreme heat, rising sea levels, floods, landslides, and heavy rains are responsible for violating a series of rights and also for taking away spaces, territories and children's time for community life and their right to leisure and the essential right to play, especially to play outdoors in and with nature, which provides great benefits to their development and enables the expression of numerous rights provided for in the Convention. In this sense, it is suggested to the Committee that in General Comment no. 26 special attention and explicitly recognize the child's right of access to nature.

In fact, a study commissioned by the Children and Nature program, from the Alana Institute, for the Social Knowledge Network, revealed that, despite the pandemic having kept Brazilian children even more confined at home, 75% of families intend to take more children to play outdoors after social isolation and most became more concerned with the preservation of the environment to guarantee these spaces for playing, confirming the social and environmental importance of this practice and right.

Nature has the power to provide health, happiness and strength to all children. The child's connection with nature benefits both them and nature itself. And those who feel love, respect and belonging to the natural world are more likely to build a better environment for all living beings. And it is from this essential character that it is already known that contact with nature improves all the most important milestones of a healthy childhood – immunity, memory, sleep, learning capacity, sociability, physical capacity – and contributed significantly to the integral well-being of children and young people. Just as children need nature, nature needs children¹⁴⁰.

This same study¹⁴¹ mentioned above draws attention to the reality of the city of São Paulo, the largest Brazilian urban center, which has only 2.6 m² of green area per inhabitant, while the United Nations (UN) recommends 12 m² of green area per inhabitant. Still, green areas are unevenly distributed throughout the city, depriving outlying areas, where the most socioeconomically vulnerable communities live.

The importance of nature for the rights of children and for their development is broad and encompasses both objective dimensions of development, with serious health issues, and

¹⁴⁰ Sociedade Brasileira de Pediatria. Grupo de Trabalho em Saúde e Natureza, Manual de Orientação. Benefícios da Natureza no Desenvolvimento de Crianças e Adolescentes, SBP; 2019. Available at: <https://criancaenatureza.org.br/wp-content/uploads/2019/05/manual_orientacao_sbp_cen.pdf>. Accessed on Sept 20/2020.

¹⁴¹ Idem.

social and cultural dimensions related to the cultures of play in different children and youth communities. As described in the Guidance Manual on the Benefits of Nature in the Development of Children¹⁴², research links the lack of opportunities to play and learn with and in nature to health problems in childhood and adolescence, such as obesity/sedentary lifestyle, hyperactivity, low mobility - lack of balance, agility and physical ability - and even myopia. These are some of the most evident health problems caused by the childhood confinement scenario, but several less recognized and behavioral consequences, such as an increase in depressive equivalents, anxiety and sleep disorders, are also part of this context.

The impact of climate change also reduces the possibility of enjoying the biological diversity that exists in the world. Biodiversity is under constant threat and is always being severely impacted. With this dynamic of incipient social and environmental setbacks, more and more future and current generations will no longer experience harmonious coexistence with the plurality of existing biotic and abiotic species and consequently stop accessing and coexisting with natural abundances, impacting not only the establishment of bonds between humans and other living beings, but also threatening the preservation of historical-cultural dimensions of communities and traditional peoples, such as indigenous children.

In this sense, the World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012 edit a resolution, “Child’s Right to Connect With Nature and to a Healthy Environment”, that endorses the child’s right to nature and a healthy environment, which includes “the child’s inherent right to connect with nature in a meaningful way, as a substantial part of his or her everyday life and healthy development, and to enjoy, maintain and strengthen this connection through the direct and ongoing experience of nature;”¹⁴³. As stated by Richard Louv, “to place access to nature into a framework of human rights and responsibilities offers the promise of closing the cut. It brings into focus the interdependence of all species, the “inescapable network of mutuality” that Martin Luther King Jr. devoted his life to creating among humans”.¹⁴⁴

As such, nature is an essential space and agent for developing and guaranteeing the rights and best interests of children, and their right to access green spaces and the outdoors, including and especially in urban centers, must be recognized by the Committee.

¹⁴² Idem.

¹⁴³ Available at: <https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2012_RES_101_EN.pdf>. Accessed on Feb. 14/2022.

¹⁴⁴ Available at: <<https://www.childrenandnature.org/resources/outdoors-for-all-access-to-nature-is-a-human-right/>>. Accessed on Feb. 14/2022.

According to the Convention on the Rights of the Child, States Parties and private players must recognize the child's right to rest and leisure, including and especially playing (art. 31, 1). Furthermore, they must respect and promote the child's right to fully participate in cultural and artistic life and must encourage the provision of adequate opportunities for cultural, artistic, recreational and leisure activities, under conditions of equality (art. 31,2 CRC), a provision that is closely related to playing in contact with nature, so important for the integral development of children.

2. A child rights-based approach to environmental issues

- **What is the value of a child rights-based approach in addressing the environmental (climate) crisis and achieving sustainable development? What does this mean practically for the adoption of related laws, policies, programmes and practices?**

Adopting a child rights-based approach to addressing climate and socio-environmental crises ensures that the communities most vulnerable and most sensitive to these impacts – children and their families – are considered first. Furthermore, when caring for the most vulnerable, the same policies guarantee a systemic benefit for all people and even for the socio-economic development of a society or country.

The Brazilian perspective of absolute priority in guaranteeing the rights of children, translation of the duty to “consider primarily the best interests of the child” provided for in the Convention (art. 3.1) should also be a value to be considered in this scenario of structural violations of climate change to the rights of children. This ideology catalyzes an approach based on the rights of children to face the environmental crisis, representing a true civilizational milestone, by treating children as subjects of rights and recognizing the need to make the utmost efforts to protect them.

The term “absolute priority,” contained in article 227 of the Brazilian Federal Constitution, is unique in the constitutional order, triggering the imperative duty of the State, families, and society, including companies, to ensure all the rights of all children with absolute priority. And, according to the national law of the Child and Adolescent Statute (art. 4), the guarantee of priority comprises: a) primacy of receiving protection and help in any circumstances; b) precedence of service in public services or services of public relevance; c) preference in the formulation and execution of public social policies; d) privileged allocation

of public resources in areas related to the protection of children and youth, important elements to be considered in an approach that prioritizes children.

Although there are challenges in the full implementation of article 227 of the Brazilian Federal Constitution, including in judicial decisions, the majority jurisprudence of the Brazilian Constitutional Court (Supreme Federal Court) has adopted a unanimous understanding in its application and, in different judgments, decisions of the presidency or decisions monocratic, there is an understanding of the strength of the priority constitutional protection for children, resulting from such a constitutional commandment.

Also, in relation to the preference in the formulation and execution of public social policies and the privileged destination of public resources in areas related to the protection of children and youth, it is understood that not only actions specifically aimed at this public should be considered, as well as those of collective interest, which evidently affect children equally - as is the case with health, education, social protection policies, as well as environmental policies and policies to combat the climate crisis.

This conception is also present in the Convention on the Rights of the Child, in particular in its article 3, which establishes that all actions concerning the child must consider "primarily" his/her best interests. The priority in guaranteeing children's rights and best interests is a legal duty under the Convention and necessary to face the climate crisis for all and must be reinforced in the new General Comment.

- How should the "four general principles" (namely non-discrimination; best interests; the right to life, survival and development, and the views of the child) shape decisions related to children's rights and the environment? Please provide concrete examples.

2.1 Non-discrimination; best interests:

See item 1 (pages 1 to 36)

2.2 Right to life, survival, and development:

See items 1.1.2. (pages 12 to 16), 1.1.3 (pages 16 to 21) and 1.2 (pages 22 to 36)

2.3 The views of the child

Another exponent to consider regarding the approach to children's rights in the face of the climate crisis is the protagonism of children in the streets, in the courts, in national and international conferences and in social networks that have given new configurations to the climate agenda. The participation and the democratic and citizenship exercise of children through mobilizations, protests and climate litigation and participation are central elements for addressing the urgencies of actions and resumption of environmentally adequate standards for a generation that needs and wants to commit to a climatically stable future for human life.

The voices of multiple childhoods must be included at the center of debates and decision-making on the climate emergency, so that their best interests are, in fact, effective. As expressed in article 12 of the CRC: “States Parties shall assure the child who is capable of formulating his own views the right to express his views freely on all matters relating to the child, and such views shall be considered, depending on the age and maturity of the child.” . In this sense, it is essential that the elaboration of General Comment n. 26 and its content subsidize and apply the protagonism of children, who are not only impacted but are also active agents in the protection of an ecologically balanced environment. Therefore, favorable spaces for active and sensitive listening on complex topics, such as climate change, must be created, with respect to the peculiar stage of children's development, considering that they can express their opinions in a playful, creative, and subjective way.

However, it is still a challenge in the field of listening to children listening and considering their thoughts, expressions, and speeches, to carry out listening processes that guarantee the right to participate, without contradicting the maxim of being subjects in a peculiar stage of development. ; which implies listening to children in the light of their own perspectives, languages and cultures. As researchers Ana Cláudia Leite and Gandhi Piorski state in a still unpublished research that sought to apply and develop a sensitive method of listening, “recognizing playing, plastic expressions, gestures, and above all, symbolic and syncretic thinking needs to be, therefore, the basis of listening. And this goes through deconstructing a current model of knowledge construction and social practices, which starts from a rationalist and pragmatic vision, centered on logic, reason, linear thinking and only

children's oral speech, disregarding the body and its languages, as well as the symbolic and affective world.”¹⁴⁵

The researchers also state that in traditional listening methods, “the deepest layer, the multiple languages and the symbolic and imaginative knowledge, becomes little accessed in many initiatives. To the extent that strategies that bring themes and situations directly, conceptually, and objectively are prioritized, also aiming at pragmatic and coherent answers with the proposition, a unique opportunity is lost to access the child's perspective in order to expand our references and knowledge about a certain subject or problem. (...) Many experiences therefore reproduce modes of expression, production and interaction that are typical of the adult world, but antagonistic to childhood.”

Thus, it is important that the Committee adopt broader and more sensitive methods of listening to children, which allow different expressions of children and young people to be captured and recognized – such as drawings, testimonials, filming and other forms of manifestation of ideas –, especially those of younger children, such as those during early childhood.

Finally, it is worth emphasizing the importance and need to listen to the movements of families, mothers, fathers and guardians and their contributions to this intricate problem of the socio-environmental and climate crisis. In this sense, the Parents for Future movement stands out, which delivered a letter signed by more than 500 groups of families from around the world to the president of COP26, Alok Sharma, warning of the effects of the climate crisis on children, in particular by the burning of fossil fuels.¹⁴⁶

- How can concrete guidance on environmental rights developed in other areas of international law inform the General Comment No.26?

There is a plurality of concrete legal duties and guidelines on environmental rights developed in the area of international law and that can contribute to the formulation of

145 Ana Cláudia Leite e Gandhi Piorski, Por um método de escuta sensível das crianças. Sumário executivo da pesquisa de escuta de crianças realizada por Ana Cláudia Leite e Gandhi Piorski em São Paulo (SP), Porto Alegre (RS), Brasília (DF), Recife (PE) e Boa Vista (RO) de 2018 a 2020.

146 “They’re killing our children”: mothers from around the world demand action on fossil fuels. Available at:

<<https://www.theguardian.com/environment/2021/nov/05/cop26-mothers-from-across-globe-demand-action-on-air-pollution>>. Accessed on 14 de fev. de 2022.

General Comment No. 26, and Brazil is party to several international treaties that oblige the State to protect the right to an ecologically balanced environment, especially in relation to children. Below are some that are related to the present manifestation.

The United Nations Council in October 2021 recognized in an unprecedented way that a clean, healthy, and sustainable environment is a fundamental human right, considering the damage arising from the climate crisis, combined with the loss of biodiversity and pollution as a major challenge to guarantee that right.

At the international level, the UN Convention on the Rights of the Child establishes in article 29 (e) that the States Parties recognize that the education of the child must be oriented towards imbuing the child with respect for the environment and in article 31 the States Parties recognize the right of the child to rest and leisure, to have fun and to engage in age-appropriate recreational activities, as well as to participate freely in cultural and artistic life. Two expressions of law recognized and imbued with protecting concrete environmental rights for children.

It should be noted that in 2013, General Comment No. 17 was approved for Article 31, arising from the concern of the UN Committee on the Rights of Children - CDC with the little recognition given by governments around the world to this right. It is important to note that this commentary also deals, at various points, with the right to play in nature.

The ILO's International Convention No. 169 on Indigenous and Tribal Peoples, inspired and reiterating what the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the numerous international instruments on the prevention of discrimination, establishes that indigenous and tribal peoples must fully enjoy human rights and fundamental freedoms, without obstacles or discrimination. The provisions of this Convention shall apply without discrimination to the men and women of these peoples.

At the regional level of the Inter-American System of Human Rights, the Inter-American Court of Human Rights, through the emblematic Advisory Opinion No. 23/2017, expressly recognized the undeniable relationship between environmental protection and the realization of other human rights, also adhering understanding that environmental damage affects certain groups with greater intensity due to their special situation of vulnerability or the factual, geographical and economic circumstances that characterize them, such as: children; women; Indian people.

Another important mention is the recognition of the guidelines established by the World Conservation Congress (IUCN) - M132 in which the child's right to connect to nature and a healthy environment is provided. This treaty recognizes “the significant consequences of the increase in environmental crises such as climate change, the extinction of species and the degradation of ecosystems, in relation to the life, development and future of children, the most vulnerable group in society in this regard.”¹⁴⁷ Enacted at the session held in Jeju, Republic of Korea, in 2012, the document proposes an additional protocol to the Convention on the Rights of the Child in order to promote international recognition of the child's right to nature and a healthy environment, in the best interest of the child. and the integral development of the child, as well as the advance in the legal conceptualization of this right as part of the rights-based approach to conservation.

A relevant instrument to which Brazil has adhered is the International Covenant on Economic, Social and Cultural Rights, incorporated through Decree 591 of 1992. The Pact, among other provisions, positive the commitment to adopt measures, up to the maximum available resources, aimed at progressively ensuring, by all appropriate means, the full exercise of economic, social, and cultural rights, among which are included the right to the environment. It also establishes that States parties must adopt special measures of protection and assistance for all children and protect them against economic and social exploitation, including with a view to reducing infant mortality and mortality, as well as the development of children - all commitments that become even more necessary in a context of climate change and threat to children's rights.

It is worth highlighting the main violations, in the light of the American Convention on Human Rights and the Convention on the Rights of Children, regarding climate justice for Brazilian children. The effects of air pollution, deforestation and fires are an affront to the rights to life and integrity, guaranteed in articles 4 and 5 of the American Convention on Human Rights, as well as the rights of the child, guaranteed in article 19. , of the same degree. Also, specifically, on the issue of air pollution, it is necessary to not define quick deadlines for updating the air quality parameters implies denial of the right of access to information, a fundamental right protected by article 13 of the Convention, the which

147 IUCN. Child's right to connect with nature and to a healthy environment. Available at:

<https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2012_RES_101_EN.pdf>. Accessed on Sept 20/2020.

provides that “all people should have equal opportunities to receive, seek and disseminate information”.

Relevant to consider, both with regard to air pollution and with regard to deforestation and fires, the United Nations Committee on the Rights of the Child, as responsible for monitoring compliance with the aforementioned Convention, recognized the “obligations of the States regarding the rights of the child to a safe, clean, healthy and sustainable environment”, in addition to a variety of issues related to environmental conservation as important and necessary factors to ensure the full realization of the range of children's rights.

In this vein, the Advisory Opinion 23/2017, of the Inter-American Court of Human Rights within the scope of the Inter-American System of Human Rights within the scope of the Convention, which, in an avant-garde way, directs the understanding of the right to a healthy and balanced environment with regard to the American Convention on Human Rights (ACHR), with special mention of article 26 in combination with article 11 of the Protocol of San Salvador, on the subject of economic, social and cultural rights. This understanding highlights the interdependence and inseparable relationship between human rights, the environment and sustainable development and highlights that environmental damage affects certain groups more strongly due to their peculiar vulnerabilities, such as: children, women and girls and Indigenous peoples. and Indigenous children.

With the same aim of making efforts to guarantee the rights of children in terms of climate justice and socio-environmental rights, there has been the recent environmental achievement for Latin America and the Caribbean, with no adhesion by Brazil, of the multilateral instrument called Regional Agreement from Escazú , which provides for access to information, public participation and access to justice in environmental matters, substantiating a movement towards guaranteeing the rights of present and future generations to a healthy environment, to sustainable and climatically stable development, with strengthening international cooperation by addressing common aspirations.

Another relevant adhesion of Brazil was made in relation to the Sustainable Development Goals (SDGs) called Agenda 2030 - a global plan composed of 17 goals and 169 goals to be achieved by 2030, by the 193 member countries of the United Nations. The Goals and targets are effective commitments to spur action in areas of crucial importance to humanity and the planet. The SDGs are integrated and indivisible and balance the three dimensions of sustainable development: economic, social, and environmental. In this way,

they all relate to some degree to action against the impacts of climate change. Specifically, Goal no. 13 encompasses action against global climate change; no less important, however, are the goals that focus on eradicating poverty (goal 1) and guaranteeing fundamental rights such as health and well-being (goal 3), clean water and sanitation (goal 6), sustainable cities and communities (goal 11) and responsible production and consumption patterns (goal 12) - all commitments assumed by Brazil that impact the protection of children and their rights to health and life, food and the environment.

Finally, it should be noted that it is due to non-compliance with internationally guaranteed rights, especially within the scope of the Convention on the Rights of the Child, that fourteen children have lodged a complaint with the Committee on the Rights of the Child, as authorized by article 5 of the Third Optional Protocol to the United Nations Convention United Nations on the Rights of the Child.

In the case, it was alleged that Argentina, Brazil, France, Germany, and Turkey are deliberately omitting or acting contrary to what they committed to do in the Paris Agreement. In this way, countries would be violating the provisions of the Convention on the Rights of the Child, especially the rights to life, health, and culture.

The petition outlines the concrete effects that climate change has on children, such as asthma from air pollution and diseases like dengue and chikungunya. Regarding the Brazilian context specifically, the petition alleges that the current government is actively dismantling environmental regulation, policies, and budget. He cites the drastic budget cuts by the Ministry of the Environment, attempts to change the Forest Code, changes in the Environment Council and so on. He also states that Brazil has doubled subsidies to fossil fuels since 2007 and that energy investments are concentrated mainly in non-renewable sources and that the country is among the largest carbon emitters in the world, in the 22nd position. The petition also highlights the increase in burning and deforestation in the Amazon. It is concluded that there is a responsibility of the Brazilian State, which causes damage not only to its citizens but also to the international community as a whole.

With this, the complaint asks the Committee on the Rights of the Child: (i) to declare that climate change is a crisis of the rights of the child; (ii) declare that the five countries are responsible for the climate crisis because they ignore the scientific evidence on prevention and mitigation; (iii) declare that countries are violating the rights of the child, especially the rights to life, health, culture; (iv) advise countries to review and amend their policies and

laws; (v) recommend greater international cooperation and binding measures; and (vi) recommend that children be heard.

In the unprecedented decision of the Committee on the Rights of the Child, the five countries were held responsible for failing to provide measures against climate change that directly impact the quality of life of children. The Committee determined that the nations involved have effective control over activities that are sources of carbon emissions and their damage.

The Committee stated that States are responsible for the negative effect of greenhouse gas emissions on their territory, these consequences being responsible for impacts on children's rights both inside and outside the investigated countries and that the collective nature of the causes of climate change must not absolve a State of its individual responsibility. The result also sought to encourage children to take the guidelines that were left open to the national systems, which have competence in the subject. Which is symptomatic of the urgent need to provide for international cooperation and for the internal plan of nations to face the climate crisis in relation to children.

- **What are the legal, policy and practical implications of applying the intergenerational equity principle in the context of children's rights and the long-term effects of climate change and other environmental harm?**

An approach based on the rights of children to face the climate crisis and the numerous current socio-environmental problems means dealing with the environmental and climate crisis essentially from a view of human rights based on climate justice, centered on the human being in a situation of greater vulnerability. Given that they are subjects of rights and are in a peculiar condition of development, a children's rights-based approach requires the adoption of laws, policies and programs that seek results not only in the long term, but also in the present. An approach based on the rights of children of the present generations is essential to deal with the environmental crisis because the system of children's rights covers not only the State-Individual relationship, but also, according to article 3 of the CRC, the private sphere, including companies, also responsible for climate change.

The recognition of climate justice as an essential component in facing the climate crisis that affects children goes through the need for centrality in the discussion, attention and

priority allocation of efforts and resources of Climate Governance to the priorities related to childhood and adolescence, with a view to achieving of social justice that is shaped by equity and non-discriminatory inclusion of multiple childhoods.¹⁴⁸

Intergenerational justice must also be a guideline for tackling the climate crisis, as it provides for special attention to the rights of current and successive generations who have not yet had the opportunity to live together and access nature in harmony. It is not wrong to say that the fundamental right to a balanced environment corresponds to a fundamental duty of preservation for the benefit of present and future generations. To a greater extent, there is a fundamental duty to promote sustainable development in the era of climate change that links State and society, including companies.

The intergenerational dimension based on the principle of solidarity also points to a complex of responsibilities and duties of contemporary generations to protect existential conditions for the people who will come to inhabit the planet. It is related to the right to life that : the right to exist in the future and, for that, it is need to act in the present.

Intergenerationality and solidarity must be understood by the Committee not only for future generations, but between adults and children in the present generation; because children are already affected at the present time and the conditions of protection and care to which these communities of children are subjected in the present will define their future paths, especially considering the impact of violations on the healthy development of these individuals, especially when in early childhood.¹⁴⁹

3. A safe, clean, healthy and sustainable environment as an integral part of the enjoyment of children's rights

- How should the acknowledgment that States face constraints due to limited resources and have discretion to balance different social goals be understood in light of their environmental obligations under the UN CRC? How might the concept of sustainable development provide helpful guidance to balance different children's rights in this respect?

148 ROBINSON, MARY. Climate Justice: Hope, Resilience, and the Fight for a Sustainable Future. Bloomsbury Publishing: 2018.

149 Available at: <<https://earlychildhoodmatters.online/2020/climate-change-and-early-childhood-development-finding-the-synergies/>>. Accessed in Feb. 14/2022.

Due to the discrepancy of limited resources of the Global South in relation to the Global North, it is essential to understand actions and policies that break with neocolonialist practices and dynamics, especially with regard to prioritizing resources for the mitigation and adaptation of climate change for communities more of children and their families in the Global South.

An example of this is the stimulus to consumerism promoted by the private sector and its harmful effects on multiple childhoods. There is no way to talk about sustainable development without talking about consumption patterns and how habits are formed even during childhood and especially by stimuli such as children's advertising.¹⁵⁰

Thus, the protection of children against the socio-environmental impacts caused by the business sector also involves the adoption of regulatory measures aimed at prohibiting commercial advertising aimed at children. This is because advertising for children, in addition to being inherently abusive, as it takes advantage of children's inexperience, is also responsible for fostering a hyper-consumption society that is misaligned with the notion of sustainable development.

Currently, the contemporary society has been described as a consumer society. As sociologist Zygmund Bauman points out, happiness, in the consumer society, is associated “with an ever-increasing volume and intensity of desires, which in turn implies the immediate use and rapid replacement of objects intended to satisfy it.” (original highlights). The acquisition of goods, in this context, takes place in an individualized manner and disconnected from any community pretensions or socio-political-environmental concerns.

From these unsustainable consumption patterns and excessive desire for material goods, the increasing exploitation and degradation of the environment and its natural resources arises, either to meet the immense need for production in the consumer society, or because of the waste generated by consumption and disposal. of “rapidly replaced” goods within this context. In this way, the reflection on the consumer society and the adoption of measures aimed at combating unbridled consumerism should be read as elements related to the debate on environmental sustainability. As the psychiatrist Ana Beatriz Barbosa Silva defends:

The consumerist society always implies excessive production, waste, irrationality and manipulation of our desires. It is only through these characteristics, which are absolutely harmful and irresponsible for nature, that the economic system, based

¹⁵⁰ Available at: <<https://criancaeconsumo.org.br/noticias/consumismo-infantil-na-contramao-da-sustentabilidade/>>. Accessed in Feb. 14/2022.

on unlimited profit, can keep its engines always warm and self-sustaining. However, what feeds and sustains consumerism is exactly what destroys natural sources of raw materials.¹⁵¹

Decades of research show that values based on consumerism are harmful to well-being, discourage active citizenship and directly impact the way human beings relate to the environment.¹⁵² However, research also shows the possibility of cultivating in children and young people values for a post-consumer society, directing children to healthier goals in life and, when this happens, their well-being increases; they are less likely to suffer from psychological health problems and are more likely to behave in an environmentally and socially responsible manner, as detailed by the UK-based organization Global Action Plan¹⁵³ on their "Values to Transform our World" paper¹⁵⁴.

In this scenario, it is essential to reflect and impose guidelines on the mechanisms that act to promote and keep the consumer society alive. Among them, commercial advertising is undoubtedly included, which acts as a creator and maintainer of consumer desires and guarantor of the idea that individuals will be “more modern, happier and freer if we are constantly desiring and buying new products.”¹⁵⁵

Advertising, therefore, works to convey the feeling that the possession of material goods is the most valuable aspect of life, equivalent to happiness. On the other hand, those who do not consume are taken by a feeling of exclusion and non-belonging, as explained by Ana Beatriz Barbosa Silva in a lucid reflection:

“We are taken by an unpleasant feeling of exclusion, of not belonging. Ironically, when we don't buy things that are validated by marketing as necessary for happiness, we feel left out and even failures and depression. In extreme cases, what an individual consumes starts to be felt as a demonstration of his identity and his ability to face his social group. Something in style: 'I am what I consume, and what I consume stamps on others what I am’.”¹⁵⁶

When it comes to children and their interaction with consumer society and commercial advertising, the reflections outlined here take on an even more worrying

¹⁵¹ SILVA, Ana Beatriz B. *Mentes consumistas: do consumismo à compulsão por compras*. São Paulo: Globo, 2014, p. 43.

¹⁵² Kasser, T. (2016) 'Materialistic Values and Goals', *Annual Review of Psychology*, 67(1): 489–514

¹⁵³ Available at: <<https://www.globalactionplan.org.uk/>>. Accessed in Feb. 14/2022

¹⁵⁴ Available at: <<https://www.globalactionplan.org.uk/news/values-to-transform-our-world>>. Accessed in Feb. 14/2022

¹⁵⁵ PADILHA, Valquíria. *Desejar, comprar e descartar: da persuasão publicitária à obsolescência programada*. Available at: <http://cienciaecultura.bvs.br/scielo.php?script=sci_arttext&pid=S0009-67252016000400015>. Accessed on 07 de fevereiro de 2022

¹⁵⁶ SILVA, Ana Beatriz B. *Mentes consumistas: do consumismo à compulsão por compras*. São Paulo: Globo, 2014.

character. This is because they are individuals who are in a peculiar stage of development and training, so that consumerism not only encourages them to acquire goods they do not need, but also has direct effects on their education and formation of values and habits. that will accompany them for the rest of their lives.

It is noteworthy, at this point, that children are much more vulnerable to advertising stimuli compared to adults, precisely because they are in a peculiar condition of developing people. On the subject, the emeritus professor of psychology at the University of São Paulo, Yves de la Taille, in an opinion given to the Federal Council of Psychology , highlighted that: (i) advertising is more likely to mislead children up to 12 years of age, when they do not have all the intellectual tools to understand reality; (ii) children do not have the same capacity for mental resistance and understanding of reality as an adult; and (iii) children are not able to face with equal force the pressure exerted by advertising with regard to consumption stimuli.

Complementarily, in a review study of reference research conducted around the world, the Swedish sociologist Erling Bjurström adds that only around 8-10 years of age can children differentiate between advertising and entertainment content, and that only after 12 years they can understand the persuasive nature of advertising and make a critical analysis of the commercial message. There can be no doubt, therefore, about the marked vulnerability and malleability of children in the face of advertising stimuli, and, therefore, about the potential that these stimuli have in directing the behavior of these individuals and inducing in them consumption desires in a disloyal and very effective way.

The induction of consumption promoted by advertising, it must be said, does not simply generate immediate effects. On the contrary, by targeting children, advertising encourages the formation of consumerist habits and the assimilation of materialistic values, retaining them, from an early age, as consumers. As Nicolas Montigneaux asserts:

“But brands that seek to seduce and win the loyalty of young consumers must establish a deeper and more lasting relationship with them. They cannot be content to be known by the greatest possible number of consumers or to convey an image of modernity or dynamism. In order for the child to be attracted to the brand, they must develop a true and lasting relationship with the child.”

Furthermore, it cannot be ignored that the products advertised through advertising aimed at children often contribute to the degradation of the environment in a particularly pronounced way. According to a survey of the Criança e Consumo program, from the Alana

Institute, the toy sector was responsible for 49.5% of the ads aired on children's pay TV channels in Brazil in 2020¹⁵⁷. Bearing in mind that, according to estimates¹⁵⁸, around 90% of toys in the world are produced from some type of plastic, it becomes evident that advertising for these products has the power, by encouraging their consumption, to also encourage the disposal of plastic waste that causes damage to the environment. Depending on the type of product, some can last more than 500 years in the environment¹⁵⁹.

This conclusion was reached by the research “Plasticized Childhood,” carried out by the Green Chemistry, Sustainability and Education Research Group of the Federal University of São Carlos (GPQV/UFSCar), commissioned by the Alana Institute¹⁶⁰. In addition to stating that it is “possible to correlate the marketing communication strategies of the children's toy industry and the consumption of plastic and its negative impacts on health, society and the environment,” the study stresses that the exacerbated consumption of plastic toys causes direct damage to the health of child consumers, as they “end up coming in contact with various toxic elements that can be found in plastic toys and that, if placed in the mouth and ingested in larger doses, can cause serious health problems.”

According to the study's estimates, 1.38 million tons of plastic toys will be produced in Brazil alone between 2018 and 2030 – and it should be noted that this plastic is not likely to be recycled, since, according to the research, there are studies that indicate that the mixture of plastics and the pigmentation used in making the toys makes the recycling process unfeasible. Finally, the research lists among the measures to be taken to contain these environmental problems the reinforcement of the illegality of targeting advertising to children.

From all the aforementioned information, it can be concluded that the adoption of regulatory measures aimed at reducing children's exposure to children's advertising is essential to combat the promotion of a consumerist and materialist culture that ends up causing severe damage to the environment. It is noteworthy that the limitation on children's advertising finds precedents within the UN treaty system, especially with regard to advertising of unhealthy foods and products, already widely debated and regulated by the

¹⁵⁷ CRIANÇA E CONSUMO. Publicidade Infantil na TV Paga: monitoramento 2020. Available at: <<https://criancaconsumo.org.br/wp-content/uploads/2021/06/publicidadeinfantil2020.pdf>>. Accessed on 07/2022.

¹⁵⁸ PLASTICS LE MAG. Christmas: plastic toys in vogue. *Plastics le Mag*, 2011. *Daily Life*. Available at: <<https://plastics-themag.com/Plastic-shakes-up-the-toy-industry>>. Accessed on Feb. 14/2022.

¹⁵⁹ WORLD WIDE FUND FOR NATURE. The lifecycle of plastics. WWF. jun. 2018.

¹⁶⁰ GPQV/UFSCAR. Infância Plástica. 2020, p. 45 -62. Available at: <https://criancaconsumo.org.br/wp-content/uploads/2020/06/cc_infancia-plasticada.pdf>. Accessed on 07/2022.

WHO¹⁶¹. In fact, the WHO itself has already recognized that companies target children because they remain loyal to brands throughout their lives, and that advertising aimed at children exploits the vulnerabilities of their development¹⁶².

What is proposed, therefore, is the transposition of these debates to the scope of the regulatory responsibility of the States and of responsibility by the companies themselves regarding environmental sustainability, since the impacts of children's advertising disseminated by the business sector are profound, diverse, and also extend to the environment. The Convention on the Rights of the Child itself has provisions that corroborate and support the prohibition of advertising aimed at children, provided in its art. 32, I, on the child's right to be protected against economic exploitation. Now, since children's advertising exploits childhood vulnerabilities in favor of commercial interests and to the detriment of children's development and education, it is evident that it also constitutes a form of economic exploitation, against which measures must be taken by the States Parties.

Furthermore, the adoption of measures to curb consumerism and materialism during childhood contributes to the formation of a generation with values more in line with those of the Convention on the Rights of the Child. In particular, it is worth remembering what is set out in its art. 29, according to which the education of the child must imbue them with respect for the environment.

- How can States further strengthen protection of children from violations of their rights resulting from environmental harm caused by the business sector enterprises? At the same time complementing the general guidance given in CRC General Comment No. 16 on State obligations regarding the impact of the business sector on 4 children's rights? What gaps remain with respect to the business sector's own responsibilities towards the relationship between children's rights and the environment, and what concrete measures are required to address these?

¹⁶¹ Vide, a propósito: OMS. Set of Recommendations on the marketing of foods and non-alcoholics beverages to children. Available at: <http://apps.who.int/iris/bitstream/handle/10665/44416/9789241500210_eng.pdf;jsessionid=6AA3B53308299C3F080AB08581508812?sequence=>>. Accessed on Feb. 14/2022.

¹⁶² WHO, THE LANCET, UNICEF. Protecting children from harmful marketing practices. Available at: <https://cdn.who.int/media/docs/default-source/a-future-for-children/policy-brief-3---commercial-marketing.pdf?sfvrsn=98d4a30b_2&download=true> . Accessed on Feb. 14/2022.

Findings have already been mentioned that children from the Global South are the most affected by the systematic violations of human rights and children's rights caused by the climate and social and environmental crises, and for this reason they should be prioritized in a series of initiatives not only by States, but also by private agents, including multinational or transnational corporations, which are directly bound by the Convention under art. 3.1, as explained in General Comment n. 16. Therefore, they have a shared legal duty and responsibility for the fulfillment of environmental obligations within the Convention on the Rights of the Child.¹⁶³

Many exploratory practices with social and environmental damage and with children's rights violations are conducted by transnational companies, many which have their own governments as shareholders or supporters, which severely impact entire communities of children and their families. These companies adopt double standards in their corporate policies in countries of the Global South and export obsolete technology no longer used in their countries of origin, thus discriminating against the rights and safety of children of different nationalities.

In Brazil, there are countless examples of the socio-environmental and climate impacts of foreign companies on children, especially the most vulnerable, such as the recent cases of the failure of the Mariana and Brumadinho mining dams, managed by the UK-based BHP Group¹⁶⁴ or the intentional delay of automobile companies, such as Mercedes-Benz and Volkswagen, in adopting the most advanced and less polluting technologies that have been in use for decades in their country and continent of origin¹⁶⁵.

The agenda involving the automobile sector is an emblematic case of "industrial neocolonialism"¹⁶⁶, based on the transfer of obsolete technologies and the export of pollution to developing countries. A 2020 report from the United Nations Environment Program found

¹⁶³ HARTUNG, Pedro. Children's Rights by Design. Available at: <<https://www.unicef.org/globalinsight/media/1286/file/%20UNICEF-Global-Insight-DataGov-data-use-brief-2020.pdf>>. Accessed on Feb. 14/2022.

¹⁶⁴ London judges reverse course to reopen \$7 bln Brazil dam lawsuit against BHP. Reuters, 2021. Available at: <<https://www.reuters.com/business/energy/london-judges-re-open-69-bln-brazil-dam-lawsuit-against-bhp-2021-07-27/>>. Accessed in Feb. 14/2022.

¹⁶⁵ FAÇANHA, Cristiano. ICCT. Deixado para trás: Brasil poderá ser o último grande mercado automotivo a adotar o padrão Euro IV. Available at: <<https://theicct.org/deixado-para-tras-brasil-podera-ser-o-ultimo-grande-mercado-automotivo-a-adotar-o-padrao-euro-vi/>>. Accessed on fev/2022.

¹⁶⁶ WELLS, Alexandra. Neo-colonialism Fuels Your Car. Brown Political Review. Available at: <<https://brownpoliticalreview.org/2019/04/neo-colonialism-fueling-car/>>. Accessed on Feb. 14/2022.

that more than 11 million used vehicles with more polluting technology were exported to low-income countries, significantly contributing to air pollution in these locations¹⁶⁷.

The Brazilian problem presents a state of serious air pollution as previously pointed out, with children being the most affected. Brazil uses obsolete technology that comes from Europe in its heavy vehicles (Euro V), although it already has more advanced technology production matrices (Euro VI). At the same time, Brazil produces Euro VI heavy vehicles for export and also produces Euro III heavy vehicles (obsolete) for Africa¹⁶⁸. These manufacturers, which are headquartered in Europe, are exporting obsolete technology and, consequently, air pollution to Brazil and the Global South, causing environmental impacts and discrimination by these companies against children, in flagrant discrimination against Brazilian, Latin American and Global South children.

It is important to note that the Convention itself directly binds private agents (art. 3.1), such as companies, in the duty to guarantee the rights and best interests of children, as explained by General Comment no. 16, which determines the duty of protection and the consequent liability of companies that directly or indirectly, by action or omission, impact children and their rights with their products, services or actions in their communities.

It further provides that States Parties must ensure that institutions, facilities, and services intended for the care or protection of the child comply with standards established by the competent authorities, especially with regard to the safety and health of the child, the number and suitability of teams and the existence of adequate supervision.

Thus, it is recommended that the Committee call on States to supervise the commercial activity of private agents and also call directly at business enterprises to respect children's rights and their best interests, in particular not adopting double standards and discriminatory measures with children from other locations or nationalities, ceasing practices that violate rights, such as: transfer of obsolete technology¹⁶⁹; export of garbage and pollution, boosting cross-border carbon emissions

¹⁶⁷ UNEP, 2020. Used vehicles and the environment. Available at: <https://www.unep.org/resources/report/global-trade-used-vehicles-report>. Accessed on 14 de fev. de 2022.

¹⁶⁸ FAÇANHA, Cristiano. ICCT. Deixado para trás: Brasil poderá ser o último grande mercado automotivo a adotar o padrão Euro IV. Available at: <https://theicct.org/deixado-para-tras-brasil-podera-ser-o-ultimo-grande-mercado-automotivo-a-adotar-o-padrao-euro-vi/>. Accessed on Feb. 14/2022.

¹⁶⁹ WELLS, Alexandra. Neo-colonialism Fuels Your Car. Brown Political Review. Available at: <https://brownpoliticalreview.org/2019/04/neo-colonialism-fueling-car/>. Accessed on 14 de fev de 2022

**¹⁷⁰; consumption of products from the production chains resulting from deforestation¹⁷¹,
the extraction of gold and other illegal minerals¹⁷² and work analogous to slavery¹⁷³.**

- How can the obligations that States have to address environmental harm violating children's rights beyond their national borders be more effectively upheld?
- What are the main gaps and strategic priorities for strengthening international cooperation in the context of children's rights and the environment, including international assistance that contributes to the creation of safer and healthier environments for children in other countries?

The climate crisis is not a future threat, but a current phenomenon that has already demonstrated a series of impacts on the sphere of children's rights, which makes urgent the necessary adoption of measures that implement the commitments assumed internationally through the Paris Agreement, the Sustainable Development Goals and the Convention on the Rights of the Child and other international treaties aimed at protecting children and the environment.

In the Paris Agreement signed in December 2015, 196 countries undertook to present their Nationally Determined Contributions (“NDCs”), an obligation that invokes the international commitment to mitigate the negative effects of climate change. In the implementation of the NDCs, the signatory countries must create public policies in a multilevel scope for mitigation and adaptation actions to face the climate crisis, imbued with the principles and guidelines of the legal framework of international cooperation. Thus, it is necessary that the Committee, through General Comment 26, dialogue with these obligations specifically to promote the children's rights agenda.

It is equally important that other legal commitments be established within the framework of international cooperation, in addition to the obligation to establish domestic measures that specifically relate to the climate crisis and childhood.

¹⁷⁰ NETO, Tatiana Filomena da Silva. Políticas e Medidas de Mitigação de Poluição Atmosférica em Megacidades. 2016. Tese de Doutorado.

¹⁷¹ COSTA, Reinaldo Corrêa; NUNEZ, Cecília Verônica. Cadeias produtivas & seus ambientes. 2017.

¹⁷² Brasil. Ministério Público Federal. Câmara de Coordenação e Revisão, 4. Mineração ilegal de ouro na Amazônia: marcos jurídicos e questões controversas – Brasília: MPF, 2020. Available at: <www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/publicacoes/roteiros-da-4a-ccr/ManualMineraoIlegaldoOuronaAmazniaVF.pdf>. Accessed on Feb. 14/2022.

¹⁷³ BRASIL, ONG REPÓRTER. Cadeias produtivas e trabalho escravo: cana-de açúcar, carne, carvão, soja e babaçu. 2001. 2018.

Another principle to be observed is that of common but differentiated responsibilities¹⁷⁴, based on the differentiated perception for countries with greater socioeconomic vulnerabilities, especially in the Global South, with a lower level of obligation to implement climate change policies, in view of their lower contribution to the climate crisis and the non-commitment to undermine other approaches linked to priority areas such as the eradication of poverty. This principle reveals the necessary and primordial attention of countries with greater economic capacity to promote and cooperate with the implementation of actions and initiatives to contain the unprecedented climate crisis for the protection and rights of children in other countries.

As previously mentioned, there is a wide range of international and regional policies that consider children's rights to a healthy environment. However, it is important to consider the report “The Environmental Rule of Law: First Global Report”¹⁷⁵ of the United Nations Environment Program (UNEP), which confirms that even with the increase in environmental legislation around the world, in the last four decades, the lack of normative effectiveness and efficacy has aggravated environmental problems and made mitigating climate change, reducing pollution, and ending the widespread loss of species and habitats more difficult. According to the UN Special Rapporteur on Human Rights and the Environment, David Boyd, “Unless the environmental rule of law is strengthened, even seemingly rigorous rules are destined to fail and the fundamental human right to a healthy environment will go unfulfilled.”¹⁷⁶

Brazil has a series of legal frameworks that contemplate this vision at the federal or territorial level. The Federal Constitution of Brazil, in its articles 225 (right to an ecologically balanced environment) and 227 (absolute priority of children) expressly recognizes at the national level, under the premise of intergenerational ethics, the need to ensure an ecologically balanced environment for the current and successive generations, a right understood as fundamental and in line with the rights of all children, without distinction to be ensured with absolute priority from the shared responsibility between the State, family, and society.

¹⁷⁴CLIMATE TALK. What is the Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC) Principle?. Available at :<<https://climatalk.org/2021/07/12/what-is-the-cbdr-rc-principle/>>. Accessed on Feb. 14/2022.

¹⁷⁵ BRUCH, C. et al. Environmental Rule of Law: First Global Report. Nairobi: United Nations Environment Programme, 2019. Available at :<https://wedocs.unep.org/bitstream/handle/20.500.11822/27279/Environmental_rule_of_law.pdf?sequence=1&isAllowed=y>. Accessed on Feb. 14/2022.

¹⁷⁶ Idem.

Also expressed in Brazil's National Plan for Early Childhood¹⁷⁷ is the right of the child "to a healthy life, in harmony with nature, to insert themselves and live as a citizen in social relations, which implies the right to space in the city appropriate to their biophysical and developmental characteristics, to participate in the definition of these spaces and finally, to participate in the construction of a sustainable society."

Furthermore, Brazil has the Legal Framework for Early Childhood, which, in its article 17, provides municipal, state and federal governments with the duty to "organize and encourage the creation of recreational spaces that provide well-being, play and exercise of creativity in public and private places where children circulate, as well as the enjoyment of free and safe environments in their communities."¹⁷⁸ With this, all government bodies in the country must ensure a healthy environment for the well-being of children, also associating these spaces with free play.

Such legal and normative frameworks are expressed in practical examples implemented in Brazilian territory and increasingly disseminated in the country. Among them is the naturalized parks initiative¹⁷⁹, which are landscapes for play that are based on the characteristics of the local ecosystem as well as available elements of nature and has been widely spread in several cities across the country. In response to the aforementioned laws and regulations, these parks aim to provide free play and the best interest of the child in line with the expansion of green areas and the preservation of local ecosystems. In addition, they are territories that stimulate the integral development of children based on physical, mental, spiritual, and cognitive experiences.

Another practical example of the implementation of children's rights to a healthy environment is expressed in education. A broad agenda is being worked on in Brazil regarding "unwalling" schools¹⁸⁰, that is, outdoor learning, both inside and outside the school grounds. These are school initiatives that aim to bring the child into contact with nature and go beyond the boundaries of the classroom, thus expanding the children's learning experience.

¹⁷⁷ Plano Nacional de Primeira Infância. Available at: <<http://primeirainfancia.org.br/wp-content/uploads/2020/10/PNPI.pdf>>. Accessed on Feb. 14/2022.

¹⁷⁸ Lei no. 13.257, DE 8 DE MARÇO DE 2016. Marco Legal da Primeira Infância. Available at: <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/113257.htm>. Accessed on Feb. 14/2022.

¹⁷⁹ Children and Nature. Parques naturalizados. Available at: <<https://criancaenatureza.org.br/parques-naturalizados/>>. Accessed on Feb. 14/2022.

¹⁸⁰ Children and Nature. Desemparedamento da infância: a escola como lugar de encontro com a natureza. Available at: <<https://criancaenatureza.org.br/noticias/desemparedamento-da-infancia-escola-como-lugar-de-encontro-com-natureza/>>. Accessed on Feb. 14/2022.

Finally, children's rights have also been expressed in territorial public policies in a transversal way. This is the case of the master plan for the city of Jundiaí, which included the active participation of children in its elaboration and the creation of a Children's Committee but goes further with an intersectoral approach oriented to children's rights in all spectrums of urban development¹⁸¹. These examples demonstrate that there are already policies that recognize children's rights to a healthy environment, expressed from the Federal Constitution to the school floor and urban territories. In any case, it is important to emphasize the insufficiency of these policies and their application at the national, regional, and international levels that support multiple childhoods and combat environmental racism in a structured way, as described in item 1, something that is of paramount importance with this General Comment no. 26.

4. The role of children's rights in environmental protection

- How should the General Comment treat the child rights-based approach to environmental and climate education and corresponding obligations of States, taking into account articles 28 and 29 1(e) of the CRC, and expanding on the general guidance given in CRC General Comment No.1 on the aims of education?

In line with article 29 (a) of the CRC, which enshrines the right of children to an education that promotes the development of their physical, mental, and cognitive abilities, the General Comment should address the aspect of outdoor learning within the approach of children's rights to climate and environmental education. This concept aims to expand the possibilities of pedagogical practices in connection with nature and with the territories of cities, separating children and their educational experiences. This is done from the design of the schools themselves and their patios, making them more integrated with nature and with outdoor areas, as well as integrated with the communities surrounding the school and throughout the city, within the concept of an educational city.¹⁸²¹⁸³. This view also responds to what is stated in item 13 of General Comment no. 1, from the moment that learning in and

¹⁸¹ Urban95. Jundiaí, uma cidade para as crianças. Available at:

<<https://urban95.org.br/blog/jundiai-uma-cidade-para-as-criancas/>>. Accessed on Feb. 14/2022.

¹⁸² Children and Nature. Guia de aprendizagem ao ar livre. Available at:

<<https://criancaenatureza.org.br/wp-content/uploads/2021/06/Aprender-ar-livre-ingles.pdf>>. Accessed on Feb. 14/2022.

¹⁸³ Cidade Ativa. Educative city. Available at: <<https://cidadeativa.org/en/iniciativa/educative-city/>>. Accessed on Feb. 14/2022.

with nature brings a holistic and integrated perspective to an education of respect for nature, since the child is inserted in the environment itself and learns and bonds in it, thus generating empathy for the surroundings .

Many research shows¹⁸⁴ the intrinsic connection between contact with nature in childhood and engagement in environmental causes in youth and adulthood. As environmental educator David Sobel says: "Give children a chance to love the land before we ask them to save it." Promoting the child's right of access to nature (item 3) is also promoting the education of children in contact with nature, enabling integral learning and development through different senses and experiences. It is also a way of developing respect for the environment, as proposed by Article 29 (e) of the CRC. **In this way, General Comment n. 26 should consider that education with and in nature is essential for the formation of children with a conservationist approach.**

- What should be legal, policy and practical priorities, including for non-State actors (e.g. media, business sector), for strengthening the availability, accessibility, adequateness and quality of environmental information in order to ensure that children understand how environmental harm may undermine their rights and can participate in environmental protection? Please provide examples.

In the field of legal measures aimed at greater access to quality information on environmental aspects for children, transparency of environmental data and climate effects to children in a sensitive and engaging way is extremely important. A practical example refers to the monitoring of air quality, since, as mentioned earlier in the impacts of climate change, air pollution affects children more severely. It is necessary and urgent to establish, at the local, national, and regional levels, policies for monitoring and disseminating air quality indices in line with the standards established by the WHO. Specifically in the relationship with children, such data should be collected in places where they are concentrated, such as schools, day care centers and squares. An exemplary project in this regard is Aires Nuevos, an air quality monitoring network created by citizens for early childhood, structured in 28 municipalities in 8 Latin American countries¹⁸⁵. With initiatives like this, it is possible to generate engagement and participation of the population as a whole, but especially of

¹⁸⁴ Greater Good Magazine. How to Raise an Environmentalist. Available at: <https://greatergood.berkeley.edu/article/item/how_to_raise_an_environmentalist>. Accessed on Feb. 14/2022.

¹⁸⁵ Aires Nuevos. Available at: <<https://airesnuevos.org/>>. Accessed on Feb. 14/2022.

children, for them to propose measures, such as the creation of low emission zones around schools and squares¹⁸⁶.

- Please provide examples of laws, policies, practices and jurisprudence that enable or hinder the exercise of the child's rights to freedom of expression, assembly and association in relation to the environment and climate change. What further actions are needed to uphold and catalyze the implementation of these rights, taking into account additional risks and barriers that certain groups of children face in this respect? What actions should States take to support the activities of child environmental human rights defenders? Please provide existing examples where possible (e.g. funding schemes etc).
- How can the right of all children to be heard and taken seriously in the context of decision-making on the environment, especially climate change, be better upheld and strengthened? Please provide examples of how children's right to participate in public and political affairs has been facilitated or restricted in relation to the development of laws, policies, regulations, projects and activities on the environment and climate change at all levels.
- What specific measures should be taken to create more space for children, especially young children, in environmental and climate decision-making?

Regarding participation policies and guaranteeing freedom of expression, once again the municipality of Jundiaí, in Brazil, stands out for having a Children's Committee¹⁸⁷. From this committee, several public policy proposals go through listening and co-creation with children from different regions of the city to bring their voice, for example, in the implementation of green areas. States should promote such an initiative at the national and regional levels, guaranteeing children's right to participate and defend their best interests. This participation must take into account a sensitive and plural listening, contemplating the various forms of expression of children and their multiple realities, as already explained in item 2. "The views of the child" of the present manifestation.

- What concrete steps are required of States to strengthen children's access to timely and effective remedies for violations of their rights relating to the environment and climate change-related harm? E.g. measures with respect to accessible and childfriendly complaints mechanisms and legal procedures, rights of legal standing, including class actions and the ability to represent interests of future generations, the burden and standard of proof, human rights obligations of businesses, extraterritorial obligations and jurisdiction, and adequate reparation etc.

¹⁸⁶ WRI. Study on international practices on low emission zones and congestion charges. Available at: <<https://wrimexico.org/en/publication/study-international-practices-low-emission-zone-and-congestion-charging>>. Accessed on Feb. 14/2022.

¹⁸⁷Prefeitura de Jundiaí. Cidade das Crianças. Available at <<https://jundiai.sp.gov.br/cidade-das-criancas/>>. Accessed on Feb. 14/2022.

- Please provide good examples of specific measures (e.g. laws, policies and practices) that States have adopted to ensure that children have access to justice in the context of environmental and climate protection, and examples of positive outcomes (e.g. jurisprudence, practical impacts).

Some cases in Latin America demonstrate the recognition of the impact of the climate emergency in ensuring the full development of other rights of children. The concrete measures required from States to strengthen children's access to justice to initiatives that reduce or remedy violations of their rights related to the environment and damage related to climate change have found many positive results in climate litigation, and these actions in most of them are conducted by children. Let's see:

1. Case *Future Generations v. Ministry of Environment and Others*. 2018¹⁸⁸ In January 2018, 25 young people from all over Colombia (*Futuras Gerações*) filed a lawsuit to strengthen the protection of human rights against the Colombian government, represented by the Ministries of the Environment and Agriculture. They claimed that, by failing to prevent deforestation in the Colombian Amazon and the increase in average temperature across the country, the Colombian government had violated their constitutional rights to life, health, food, water, and a healthy environment; In April 2018, the Supreme Court of the Colombian court accepted the petitioners' claim and recognized that the deterioration of the environment violates the fundamental rights of current and future generations. It ordered the Colombian government to create an “intergenerational pact for the life of the Colombian Amazon” to reduce deforestation and greenhouse gas emissions. According to the Court, the country is facing “imminent and serious damage” because deforestation causes “the emission of carbon dioxide into the atmosphere, producing the greenhouse effect, which transforms and fragments ecosystems, and alters the water resource”. The Court emphasized that: 88
11. (...) The following factors directly generate deforestation in the Amazon, causing, in the short, medium, and long term, imminent and serious damage to children, adolescents and adults who come to this action, and in general, all the inhabitants of the national territory, both for generations present and for the future, as it triggers the

¹⁸⁸ Available at: http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2020/20200731_2017-No.-793-JR_opinion.pdf. Accessed on Feb. 14/2022.

emission of carbon dioxide (CO₂) in the atmosphere in an uncontrolled way, producing the greenhouse effect(...).

2. Case STC 3872¹⁸⁹. 2020 A citizen of Barranquilla, Colombia, filed an amparo appeal and claimed that the impact of the indiscriminate fires in Parque Isla de Salamanca affected the decrease in “air quality in Barranquilla”, with the consequent consequences on the “health of all children” in that city. In the absence of inter-institutional actions to prevent indiscriminate forest fires and end environmental degradation and its ecological and health consequences, the Supreme Court of Justice of Colombia declared Via Parque Isla de Salamanca (VPIS) as a subject of rights. The Court ordered the Presidency of the Republic, the Ministry of the Environment and Sustainable Development, the National Natural Parks of Colombia, and the Autonomous Regional Corporation of Magdalena (Corpamag), in coordination with the other authorities of the National Environment System (SINA), formulate within five months a strategic and effective plan of action to reduce the levels of deforestation and degradation of this protected area
3. Case of Kelsey Cascadia Rose Juliana et al. v. United States of America and others¹⁹⁰. 2018 In 2015, 21 young people¹⁹¹, aged between 11 and 22, filed a complaint against the United States and members of the executive branch. Represented by the non-profit organization “Our Children's Trust.” **Young people were chosen from among those who could demonstrate that they had suffered concrete and immediate damage due to climate change, such as having their homes or schools decimated by floods, hurricanes, rising sea levels and desertification. They also petitioned on behalf of future generations.** They claimed that the government violated their rights to life, liberty, and property by allowing activities related to greenhouse gas emissions. They pointed out that the lack of government management in relation to the subject harmed their generation, which would be impacted by climate change. According to news, there was an appeal to the Supreme Court of India, not located on the Court's website. 86 organizations, allied to the fact that they did not have the right to vote to nominate their representatives who were sensitive to the issue. They demanded that the federal executive branch develop a plan to mitigate carbon dioxide emissions, one of the causes of the greenhouse effect. **The government and the fossil fuel industry have called for the case to be dropped.** Judge Thomas Coffin of the Oregon State Court, when assessing whether future generations had the right to file this type of lawsuit, ruled in favor of them, as they will be the most affected by the climate imbalance.

¹⁸⁹ Available at:

<<https://cortesuprema.gov.co/corte/index.php/2020/06/19/corte-suprema-declara-sujeto-de-derechos-al-parque-isla-salamanca/>>. Accessed on Feb. 14/2022.

¹⁹⁰ Available at:

<<https://peoplesclimatecase.caneurope.org/2019/07/families-affected-by-the-climate-crisis-file-appeal-after-the-european-general-court-dismisses-their-case/>>. Accessed on Feb. 14/2022.

¹⁹¹ Available at:

<<https://peoplesclimatecase.caneurope.org/2020/02/greta-thunberg-joins-the-indigenous-saami-youth-to-demand-climate-justice/>> Accessed on Feb. 14/2022.

The Alana Institute, through the Children and Nature Program, has focused on defending causes related to the climate emergency that explicitly affect children to a greater degree, using participatory advocacy in actions within the Brazilian Supreme Court and Superior Courts and in actions of a denouncing nature with the 4th Chamber of Coordination and Review – Environment and Cultural Heritage of the Federal Public Ministry. Below are some of the main actions:

1. Climate Fund - Claim of Noncompliance with Fundamental Precept ADPF 708¹⁹². The Alana Institute proposed acting as an Amicus Curiae in the Claim for Noncompliance with Precept ADPF 708, in the Federal Supreme Court, which aims to recognize the unconstitutional omission of the Brazilian government in not adopting measures for the functioning of the Climate Fund. The Climate Fund is one of the instruments of the National Policy on Climate Change. Linked to the Ministry of the Environment, this fund is intended to guarantee resources for projects, studies, or ventures to mitigate climate change, reduce greenhouse gas emissions and adapt to climate change and its effects. The Union, however, has repeatedly failed to maintain and finance the Fund, which has been paralyzed since the beginning of the current federal administration.
2. Amazon Fund | Direct Action of Unconstitutionality by Omission (ADO) 59¹⁹³. The action is pending in the Federal Supreme Court (STF) and was proposed by the Brazilian Socialist Party (PSB), the Socialism and Liberty Party (PSOL), the Workers' Party (PT) and the Rede Sustentabilidade Party, with the aim of reactivating the Fund Amazon, given the omission of the Federal Government. The Alana Institute participates as an Amicus Curiae, understanding that the use of the Amazon Fund is an important factor in the country's environmental protection. Established in 2008, the Fund is managed by the National Bank for Economic and Social Development (BNDES) and receives donations for non-reimbursable investments in actions to prevent, monitor and combat deforestation, in addition to promoting the preservation and conservation of the Legal Amazon. The action highlights the lack of public policies to protect the environment, the extinction of fundamental regulatory mechanisms for the management of the Fund and the damming of more than 1.5 billion reais in resources without contracting new projects.
3. Action Plan for the Prevention and Control of Deforestation in the Amazon | ADPF 760¹⁹⁴. In Brazil, deforestation is the main source of greenhouse gas emissions, the engine of climate change, which also causes damage to the population of the Amazon and throughout Brazil. The ADPF (Arguição de Descumprimento de Preceito Fundamental), built collectively with several partner organizations, asks for an urgent precautionary measure so that the STF determines to the Union and its federal agencies IBAMA, ICMBio, FUNAI and others involved the immediate execution of the PPCDam, the public policy aimed at combating and reducing deforestation in the

¹⁹² Available at: <<https://criancaenatureza.org.br/clima/emergencia-climatica/>>. Accessed on Feb. 14/2022.

¹⁹³ Available at: <<https://criancaenatureza.org.br/clima/queimadas-desmatamento/>>

¹⁹⁴ Available at: <<https://criancaenatureza.org.br/clima/queimadas-desmatamento/>>. Accessed on Feb. 14/2022.

country, abandoned as of 2019. The action also points to serious violations of the fundamental rights of Indigenous peoples and traditional communities, in addition to the rights of present and future generations. The Alana Institute participates as an Amicus Curiae.

4. Air Quality Standards - Direct Action of Unconstitutionality (ADI) No. 6148¹⁹⁵. Direct Action of Unconstitutionality proposed by federal prosecutors regarding Conama Resolution 491 of 2018, which establishes air quality standards, with the objective of issuing a new standard that has defined deadlines, as well as adopting standards according to World Organization standards of health. The Alana Institute manifested itself in the aforementioned action to act as Amicus Curiae. The Resolution violates articles 5, XIV, 196 and 225 of the Constitution, given the insufficient protection of the rights to information, health, and an ecologically balanced environment, which must be protected especially for all children, who have, constitutionally, absolute priority, under the terms of art. 227, caput, of the Federal Constitution. In conjunction with the Instituto Saúde e Sustentabilidade, we held, in early 2021, a hearing with Minister Cármen Lúcia, requesting speed in the analysis of the case.
5. Report Burns | MPF - PGEA - 1.00.000.007807/2021-51¹⁹⁶. Complaint forwarded to the Federal Public Ministry, by the Alana Institute, against the federal government's omission in actions to combat record fires and deforestation in 2020. In the complaint – which cites the lack of funding for public firefighting policies and government rhetoric of trivializing the environmental issue, we demonstrate that such negligence represents a violation of the rights of children to health, life, and a balanced environment, as determined by the Constitution. The purpose of the complaint is to guarantee the resumption of the work of the PrevFogo, SISAM and VIGIAR programs, contributing to the structuring of an effective system for preventing and fighting forest fires, with the execution of integrated actions by Organs competent bodies, aiming to protect and promote fundamental rights. of children, with absolute priority, which necessarily involve air quality and the end of pollution from such fires and burnings.
6. TJ/SP - Climatic pedaling – Popular Action n. 5008035-37.2021.4.03.6100¹⁹⁷. A group of six young people filed a lawsuit in the São Paulo Court against the former Minister of the Environment, Ricardo Salles, and the former Minister of Foreign Affairs, Ernesto Araújo. The reason is the government's climate 'peddling', committed in December, when presenting a new target to the Paris Agreement, regressing its commitment to reduce greenhouse gases. The objective of the popular action is to cancel the new climate target, considered harmful to the environment, in addition to pressuring the government to adopt a new agreement to reduce greenhouse gases. Making Brazil correct the current climate target, which is lower than the original one, and make a more ambitious commitment, in accordance with the Paris Agreement and the Federal Constitution, is the target set. The government document, according to the group, violates the climate treaty. The action is supported by eight former ministers of the Environment and has been requested by the Alana Institute, together with other organizations, to act as Amicus Curiae.
7. Temporal Milestone - General Repercussion topic No. 1031, in the records of

¹⁹⁵ Available at: <<https://criancaenatureza.org.br/clima/qualidade-ar/>>. Accessed on Feb. 14/2022.

¹⁹⁶ Available at: <<https://criancaenatureza.org.br/clima/queimadas-desmatamento/>>. Accessed on Feb. 14/2022.

¹⁹⁷ Available at: <<https://criancaenatureza.org.br/clima/emergencia-climatica/>>. Accessed on Feb. 14/2022.

Extraordinary Appeal No. 1,017,365. Case of General Repercussion, theme nº 1031, in the records of Extraordinary Appeal nº 1,017,365, filed by the Fundação Nacional do Índio (FUNAI), against the thesis supported by the Instituto de Meio Ambiente de Santa Catarina (IMA) that raises the discussion of the “mark temporal”, according to the normative-constitutional definition of article 231 of the Federal Constitution of 1988, which establishes the regime of tenure of lands originally occupied by indigenous peoples, since this discussion violates articles 5 caput, 6, 216, 225 and 227 of the Constitution, given the insufficient protection of the rights to life, health, healthy food, cultural heritage, an ecologically balanced environment, community and family life, which must be protected with absolute priority, under the terms of art. 227, caput, of the Federal Constitution, to all children - especially in the present action to indigenous children, who represent about 30% of the population of indigenous peoples in Brazil. The Alana Institute applied as Amicus Curiae in the present case, which was dismissed.

8. Direct Action of Unconstitutionality nº 6672 - environmental licensing and use of mercury in mining activities Public Administration (DPU) in this action¹⁹⁸. “The state law violates articles 225 and 227 of the Federal Constitution, as it jeopardizes the rights to an ecologically balanced environment, life, health, food security and the cultural heritage of Indigenous children, which must be guaranteed. with absolute priority, based on shared responsibility between State, family and society.” The judgment of the Direct Action of Unconstitutionality n. 6672, against State Law 1453/2021, was favorable. The law, which authorized the use of mercury in mining, in the state of Roraima, was considered unconstitutional by Minister Alexandre de Moraes, rapporteur of the case, and by nine of the other ministers, who followed the rapporteur's vote.
9. Integrated Fire Management Program (MIF) - Allegation of Noncompliance with Fundamental Precept ADPF 857. Action proposed by the Brazilian Socialist Party (PSB), Socialism and Freedom Party (PSOL) and Rede Sustentabilidade, against the Union and States of Mato Grosso and Mato Grosso do Sul, with the objective of presenting a consistent plan and taking concrete measures and immediate measures to prevent the fires that, in 2020, devastated the Pantanal in an unprecedented and unprecedented way, from happening again, in an aggravated way, in the current year (2021), in the dry season that begins between March and April, in compliance with the guiding principles of public administration, such as morality, transparency and legality (article 37, CRFB/88), the right to an ecologically balanced environment for present and future generations (article 225, CRFB/88), the right to health, and the right of indigenous peoples to their social organization, customs, languages, beliefs and traditions, and to the lands they traditionally occupy (art 231, CRFB/88), which must be safeguarded, especially for future generations es, children, who have, constitutionally, absolute priority (art 227, CRFB/88). The Alana Institute, in partnership with the Health and Sustainability Institute - ISS, required acting as Amicus Curiae.

¹⁹⁸Available at:<<https://criancaenatureza.org.br/noticias/stf-proibe-uso-de-mercurio-no-garimpo-em-roraima/>>. Accessed on Feb. 14/2022.

Finally, it is also worth mentioning good policies and bills related to climate and environment in Brazil:

1. Draft Amendment to the Brazilian Federal Constitution-PEC 37/2021¹⁹⁹, with the possibility of amending art. 5, caput, adds item X to art. 170 and item VIII to §1 of article 225 of the Federal Constitution; Draft Amendment to the Constitution - PEC 233/2019²⁰⁰ - PEC Climate - Federal Senate - It includes among the principles of the economic order the maintenance of climate stability and determines that the government must adopt actions to mitigate climate change and adapt to its adverse effects - Network: Environmentalist Front
2. Bill -10521/2018²⁰¹, which establishes the National Air Quality Policy and creates the National Air Quality Information System;
3. Bill - 3961/2020²⁰²- Decrees a state of climate emergency, establishes the goal of neutralizing greenhouse gas emissions in Brazil by 2050 and provides for the creation of policies for sustainable transition - Network: Climate Observatory;
4. Bill -11276/2018²⁰³ - Establishes the National Policy for Integrated Fire Management - Network: Environmentalist Front;
5. Bill - 3001/2019²⁰⁴ - Amends Law No. 12,651, of May 25, 2012, to make it mandatory to create a permanent forest fire fighting brigade in municipalities with the highest rates of burning in the country - Network: Environmentalist Front;
6. Bill - 191 / 2020²⁰⁵ – Regulates § 1 of art. 176 and § 3 of art. 231 of the Constitution to establish the specific conditions for conducting research and mining of mineral and hydrocarbon resources and for the use of water resources for the generation of electricity in Indigenous lands and institutes compensation for the restriction of usufruct of Indigenous lands - Network: Climate Observatory and Environmental Front;
7. Bill - 490/2007²⁰⁶ - Amends Law No. 6001, of December 19, 1973, which provides for the Statute of the Indigenous Network: Climate Observatory and Environmental Front

¹⁹⁹ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2304959>>. Accessed on Feb. 14/2022.

²⁰⁰ Available at : <<https://www25.senado.leg.br/web/atividade/materias/-/materia/140340>>. Accessed in Feb. 14/2022

²⁰¹ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2180923>>. Accessed on Feb. 14/2022.

²⁰² Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2258739>>. Accessed on Feb. 14/2022.

²⁰³ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2190265>>. Accessed on Feb. 14/2022.

²⁰⁴ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2204062>>. Accessed on Feb. 14/2022.

²⁰⁵ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2236765>>. Accessed on Feb. 14/2022.

²⁰⁶ Available at : <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=345311>>. Accessed on Feb. 14/2022.