

São Paulo, March 22, 2022

To  
**United Nations Committee on the Rights of the Child**

**Executive Summary: Contributions by Alana Institute to General Comment n. 26**

Alana Institute, with the objective of cooperating in the elaboration of General Comment n. 26 on children's rights and the environment with a focus on climate change, respectfully presents the executive summary of its contributions. Below, we present the main themes associated with the impacts of climate change and how these have affected the guarantee of the rights to life, health, food, cultural heritage and a healthy environment for children, especially for Brazilian and Global South children.

**I. About Alana Institute**

1. Alana Institute is a non-profit Brazilian civil society organization that seeks to guarantee the necessary conditions for the full experience of childhood. A Brazilian and Global South organization, founded in 1994, Alana's mission is to “honor children”<sup>1</sup> by promoting and protecting their rights with absolute priority. In regards to children's rights and the environment, Alana Institute, through the Child and Nature Program<sup>2</sup>, aims to defend the right of every child to live in a healthy environment, strengthening its bond with the environment.

2. The Alana Institute's contributions to the agenda of discussions on the new General Comment sent to the Committee<sup>3</sup> were divided according to the topics below, these being the main themes associated with the global impact on the perspective of the Brazilian and Global South reality<sup>4</sup>. These are fundamental themes and perspectives, which must be highlighted and considered in the elaboration of the new General Comment.

**II. Main socio-environmental impacts of climate change on the lives of children in Brazil and the Global South**

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<sup>1</sup> Available at:<https://alana.org.br/>

<sup>2</sup> Available at:<https://criancaenatureza.org.br>

<sup>3</sup> [Full version of Instituto Alana's contribution](#) to the Online Consultation of General Comment n. ° 26.

<sup>4</sup>They are: 1. Special vulnerability of children in the Global South to the environmental impacts of actions or omissions by States and transnational corporations; 2. Multiple violations of indigenous children's rights, including their cultural rights; 3. Right to a healthy and stable environment; 4. Right to access nature; 5. Impacts of air pollution; 6. Food insecurity and access to water; and 7. Environmental impacts of children's exposure to consumer culture.

**(a) Environmental racism, discrimination and the climate emergency: children in the Global South are the most affected by socio-environmental and climate impacts** - The climate crisis affects children in different ways, according to structural, racial and gender inequalities, which makes certain childhoods more vulnerable in relation to the impacts of extreme socio-environmental and climate events. In Latin America and the Caribbean, 9 out of 10 children are exposed to at least two climate and environmental shocks<sup>5</sup>. Out of 163 countries in the ranking prepared by UNICEF, Brazil is in 70th place, presenting a high and very worrying indicator of 7.3 (up to 10) of environmental and climatic risk factors<sup>6</sup>. While children from countries in the Global North 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 of the Global South<sup>7</sup>. Therefore, it is suggested that the Committee on the Rights of the Child, in the new General Comment n. 26, deepen the understanding of and include, as a relevant factor, the unequal dynamics arising from colonial practices between the Global North and South. In this way, it will be possible to achieve more adequate and efficient responses to protect children and their families in their different territories and specificities, with the adoption of the following guidelines: (i) the priority increase in investments in mitigation, climate adaptation and resilience of key services for children in the Global South; (ii) the reduction of greenhouse gas emissions by States and transnational companies, without the use of double standards<sup>8</sup> and unfair trade practices; (iii) the promotion of climate and ecological education linked to the cultures and local identities of multiple childhoods; (iv) including the best interests of children and their direct participation, especially the most vulnerable and from traditional peoples, in all climate negotiations and decisions; and (v) ensure the recovery from the Covid-19 pandemic in a sustainable, low-carbon and in an inclusive way.

**(b) The impacts of air pollution on children: fossil fuels, fires and deforestation** - In Brazil, air pollution, aggravated by climate change, resulting from high levels of fires associated with increased deforestation<sup>9</sup> and emissions from vehicles that use fossil fuels, especially heavy diesel vehicles<sup>10</sup>, 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 (art. 24.1, 24.3 27.1 CRC), including pneumonia, asthma, bronchitis, neurodevelopmental disorders and metabolic alterations. Forest fires associated with deforestation are poisoning the air of millions of people,

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<sup>5</sup> 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

<sup>6</sup> 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>>.

<sup>7</sup> 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.

<sup>8</sup> 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

<sup>9</sup> Instituto Nacional de Pesquisas Espaciais (INPE). **Perguntas frequentes**. Available at: <<http://www.inpe.br/faq/index.php?pai=9>> Accessed on Sep 10/.2020

<sup>10</sup> 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

affecting the health of the Brazilian population<sup>11</sup>, as well as the right of children to **have a future in the present**<sup>12</sup>. CONAMA Resolution no. 491/2018, the main Brazilian Federal rule dealing with the issue of air quality, fails to protect Brazilians, given the insufficiency on the right to information, health and an ecologically balanced environment, first because it does not have effective and adequate air quality standards, allowing very permissive initial levels and standards, and second because it does not adopt the air quality standards recommended by the WHO. In addition, from the 27 Brazilian federative units, 20 (74%) do not carry out air quality monitoring; or failed to perform it; or does it in an obsolete or inefficient manner. Still, only 26% (6 states and the Federal District) comply with the current regulation<sup>13</sup>. Thus, this topic should be highlighted by the Committee as a central problem to be faced all over the world.

*(c) Extreme weather events* - Extreme weather events such as high temperatures, rising sea levels, floods, landslides and heavy rains impact a series of children's rights and are reinforced in scenarios associated with environmental racism.<sup>14</sup> Also, they take away spaces, territories and time for free play and community life, causing damage to children's historical and cultural heritage. In Brazil, in peripheral urban areas with greater socioeconomic vulnerability, children, especially poor and black children, are the most affected by the greater intensity and occurrence of extreme flood events and landslides, impacted by changes in the climate and its hydrological conditions, which are affected by the deforestation of ciliary and large urban forests. In Brazil, at the end of 2021 and beginning of 2022, while in the south of the state of Bahia, the north of the state of Minas Gerais and Petrópolis<sup>15</sup> in Rio de Janeiro experienced flooding and landslides due to the high rate of rainfall, the southern region of the country experienced the highest temperature rates in history, with hot days of 40°C followed by torrential rains<sup>16</sup>, which show the need and urgency of actions on prevention, mitigation and adaptation to climate change for the most vulnerable, especially children.

*(d) The impacts of lack of access to nature* - The right to play and to leisure (art. 31 CRC), especially outdoor play in (and close to) nature<sup>17</sup>, is essential and brings great benefits to the

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<sup>11</sup> Instituto de Pesquisa Ambiental da Amazônia (IPAM) - Human Rights Watch. “**O ar é insuportável**”, Os impactos das queimadas associadas ao desmatamento da Amazônia brasileira na saúde”. Available at: <<https://www.hrw.org/pt/report/2020/08/26/376135>>. Accessed on February 10/2022.

<sup>12</sup> JOTA. **Brasil em chamas: os impactos das queimadas sobre a saúde de crianças**. Available at: <<https://www.jota.info/opiniao-e-analise/artigos/incendio-queimadas-sobre-a-saude-de-criancas-27032021>>. Accessed on March 15/2022.

<sup>13</sup> Instituto Saúde e Sustentabilidade. **Análise do Monitoramento de Qualidade do Ar no Brasil 2019**. Available at: <<https://www.saudeesustentabilidade.org.br/publicacao/analise-do-monitoramento-de-qualidade-do-ar-no-brasil-2019/>>. Accessed on March 15/2022.

<sup>14</sup> BELCHIOR, Douglas et al. **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 February 14/2022.

<sup>15</sup> FILHO, Herculano Barreto. **Petrópolis: as histórias de 14 crianças que perderam a vida na tragédia**. UOL, 2021. Available at: <<https://noticias.uol.com.br/cotidiano/ultimas-noticias/2022/02/24/criancas-levadas-pela-tragedia-de-petropolis.htm>>. Accessed on February 14/2022.

<sup>16</sup> DIAS, 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 February 14/2022.

<sup>17</sup> 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/acervo/beneficios-da-natureza-no-desenvolvimento-de-criancas-e-adolescentes/>>. Accessed on December 01/2021.

integral development of children. In this sense, nature is an essential space and agent for the development and **guarantee of the rights and best interests of children, and the Committee must recognize their right to access to green spaces and the open air, including and especially in urban areas.**

*(e) Right to food security and access to potable water* - The rights of Brazilian children to food security and unrestricted access to potable water (art. 24.2 CRC) are also threatened by climate change, as it impacts agriculture and water supply. Adequate nutrition is an essential factor in the growth and development of children. Malnutrition and anemia<sup>18</sup> are public health problems in Brazil and key factors for the low ability to react to diseases among the child population<sup>19</sup>, in addition to generating significant impacts on growth, development and increased morbidity<sup>20</sup>. However, data reveal the resounding growth of the food insecurity situation in Brazil, as in other countries of the Global South, with emphasis on families with children, black people and the North, Northeast and Midwest regions of Brazil. UNICEF study report showed that 13% of Brazilian children stopped eating during the pandemic<sup>21</sup>. Still, there are frequent supply crises and a precarious basic sanitation system<sup>22</sup>, disproportionately impacting children, disrupting schooling and spreading disease.

*(f) 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 groups<sup>232425</sup>. 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.** The 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<sup>26</sup>. In this sense, the protection of indigenous peoples

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<sup>18</sup> Nota Técnica - 2016 - agosto - Número 26. **Crise econômica, austeridade fiscal e saúde: que lições podem ser aprendidas?** 2009, pg. 18.

<sup>19</sup> 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.

<sup>20</sup> FIOCRUZ. **Covid-19 e a saúde das crianças e adolescentes.** Available at: <[http://www.iff.fiocruz.br/pdf/covid19\\_saude\\_crianca\\_adolescente.pdf](http://www.iff.fiocruz.br/pdf/covid19_saude_crianca_adolescente.pdf)>. Accessed on February 02/2021.

<sup>21</sup> 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](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.

<sup>22</sup> UNICEF. **Pobreza na infância e na adolescência.** Available at <[https://www.unicef.org/brazil/media/156/file/Pobreza\\_na\\_Infancia\\_e\\_na\\_Adolescencia.pdf](https://www.unicef.org/brazil/media/156/file/Pobreza_na_Infancia_e_na_Adolescencia.pdf)>. Accessed on February 13/2022.

<sup>23</sup> 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](https://ds.saudeindigena.icict.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf)>. Accessed on July 30/2021.

<sup>24</sup> ONU. Comentário Geral n°. 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](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f11&Lang=en)>. Accessed on July 13/2021.

<sup>25</sup> 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.

<sup>26</sup> 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.

territories, in addition to preserving their memory and identity, is also essential from an environmental and climate point of view. In fact, it concerns the memory of all Brazilians who can find in the forests, their trees and soil managed and handled by ancestral communities, the future and the hope for the solution of the socio-environmental conflicts of the present<sup>27</sup>.

### III. A children's rights approach to environmental issues

3. Adopting a children's rights approach to environmental issues involves contemplating the Brazilian perspective of absolute priority, which triggers the State's constitutional duty, as well as families and society, including businesses, to ensure the rights of children with absolute priority. In Brazilian legislation, this guarantee comprises: a) primacy of receiving protection and assistance in any circumstances; b) precedence of specific attention in public services or 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. It translates the duty to “consider primarily the best interests of the child” provided in the Convention on the Rights of the Child (art. 3.1) and, therefore, composes a global pact for the rights of the child, which is necessary to face the climate crisis. Below, we present some aspects, which we suggest to be observed for the construction of this approach.

*(a) The right to a healthy and stable environment* – it is necessary the recognition by the Committee on the Rights of the Child in the new General Comment n. 26 **of the right to a healthy and stable environment**, in the same direction already adopted by the UN Human Rights Council in Resolution 48/13 of 2021<sup>28</sup>. As a result of systematic violations of this right, 14 children, including one Brazilian, filed a complaint with the Committee on the Rights of the Child. Regarding the Brazilian context, the complaint<sup>29</sup> adequately mentions that the State is dismantling environmental regulations, policies and government budget, encouraging non-renewable energy sources and contributing to forest fires and deforestation in the Amazon, generating damage not only to its citizens, but also to the international community as a whole<sup>30</sup>.

*(b) The right of access to nature* - Considering that nature is an essential and irreplaceable material and immaterial space for children's lives, their development, their rights and best interest, it can be said that children have a human and fundamental right to nature, which can be divided into the right to (i) environmental protection, balance and preservation, (ii) access and (iii) connection and bonding. Several authorities, such as the WHO, recognize the

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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.

<sup>27</sup> NEVES, Eduardo et. al. **Peoples of the Amazon before European Colonization**. Chapter 8. UN Climate Panel.

<sup>28</sup> 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 February 14/2022.

<sup>29</sup> 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 February 14/2022.

<sup>30</sup> Correio Brasiliense. **Desmatamento na Amazônia bate recorde histórico e cresce mais de 400% em janeiro**. Available at: <<https://www.correiobraziliense.com.br/brasil/2022/02/4984726-desmatamento-na-amazonia-aumentou-400-no-ultimo-ano.html>>. Accessed on February 14/2022.

interdependence between human health and the health of ecosystems.<sup>31</sup> The right to a balanced environment must also encompass the right of children to simply exist in the midst of nature and enjoy it, and in order to do that, they must have physical access both in the urban environment, close to home, on the way to school, as well as to protected areas, such as ecological reserves and national parks. It must address children's inherent right to connect with nature in a meaningful way, as a substantial part of their daily life and healthy development, and to enjoy, maintain and strengthen this connection through direct and ongoing experiences in nature<sup>32</sup>. The right of access to nature is the recognition of the right to play and socialize outside, in the open air, in contact with nature and is based on several legal frameworks related to childhood<sup>33</sup> and is recognized by the Brazilian Society of Pediatrics as a priority<sup>34</sup>. In an Alert Note<sup>35</sup>, the Brazilian Society of Pediatrics describes that “there is solid evidence that creating and enabling access for children, young people and families to diverse and welcoming natural spaces can greatly contribute to the recovery of their health and well-being, as well as for the strengthening of social bonds and connections<sup>36</sup>. Green areas are nature-based solutions<sup>37</sup> not only for environmental issues, but also for the improvement of public health and children's lives and their integral development.

*(c) Intergenerational and Solidarity Justice* - An approach based on the rights of children to face the climate crisis also means starting from a vision of human rights based on justice and intergenerational solidarity<sup>38</sup>, in order to analyze the complex of responsibilities and duties of contemporary generations to protect existential conditions for the people who will come to inhabit the planet and also the solidarity of adults with children, the most affected by the climate and socio-environmental crisis<sup>39,40</sup>.

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<sup>31</sup> OMS. **Healthy environments for healthier populations: Why do they matter, and what can we do?** Geneva: World Health Organization; 2019 (WHO/CED/PHE/DO/19.01). Licence: CC BYNC-SA 3.0 IGO. Available at: <[https://www.who.int/phe/publications/HEALTH-ENVIRONMENT\\_20082019\\_OD\\_LinkUpdated\\_WEB.pdf?ua=1](https://www.who.int/phe/publications/HEALTH-ENVIRONMENT_20082019_OD_LinkUpdated_WEB.pdf?ua=1)>. Accessed on October 19/2021.

<sup>32</sup> IUCN. **Child's right to connect with nature and to a healthy environment** (Barcelona, 2008). Available at: <[https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC\\_2012\\_RES\\_101\\_EN.pdf](https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2012_RES_101_EN.pdf)>. Accessed on February 19/2022.

<sup>33</sup> Organização das Nações Unidas. **Convenção dos Direitos da Criança**. Comitê dos Direitos da Criança. **Comentário Geral n.17 de 2013. O direito da criança ao descanso, lazer, brincar, atividades recreativas, vida cultural e às artes (Artigo 31)**; IUCN, 2012. **O direito da criança de se conectar à natureza e a um ambiente saudável**. Available at: <<https://criancaenatureza.org.br/acervo/24271/>>. Accessed on March 16/2022.

<sup>34</sup> Idem 7

<sup>35</sup> SBP, **O papel da natureza na recuperação da saúde e bem-estar das crianças e adolescentes durante e após a pandemia de COVID-19**, 2021. Grupo de Trabalho Criança, Adolescente e Natureza. Available at: <<https://www.sbp.com.br/imprensa/detalhe/nid/o-papel-da-natureza-na-recuperacao-da-saude-e-bem-estar-das-criancas-e-adolescentes-durante-e-apos-a-pandemia-de-covid-19/>>. Accessed on December 10/2021.

<sup>36</sup> Chawla L. **Benefits of Nature Contact for Children**. *J Plann Liter.* 2015;30(4):433-452. Available at: <<https://journals.sagepub.com/doi/abs/10.1177/0885412215595441>>. Accessed on December 10/2021.

<sup>37</sup> SOGA, M.; EVANS, M. J.; TSUCHIYA, K.; FUKANO, Y. **A room with a green view: the importance of nearby nature for mental health during the COVID-19 pandemic**. *Ecological applications: a publication of the Ecological Society of America*, 31(2), e2248, 2021. Available at: <<https://doi.org/10.1002/eap.2248>>. Accessed on March 16/2022.

<sup>38</sup> Gabriel Wedy. **Princípios do desenvolvimento sustentável e da solidariedade intergeracional**. ConJur, 2019. Available at: <<https://www.conjur.com.br/2019-ago-17/ambiente-juridico-desenvolvimento-sustentavel-solidariedade-intergeracional>>. Accessed on February 13/2022.

<sup>39</sup> M Vitoriano. **O princípio da solidariedade intergeracional: um olhar do Direito para o futuro**. *Veredas do Direito*, Belo Horizonte, v.8, n.16, p.115-146, Julho/Dezembro de 2011. Available at: <<http://revista.domhelder.edu.br/article/view>>. Accessed on March 13/2022.

<sup>40</sup> BARBARULO, Angela. **‘Precisamos garantir que as crianças tenham um futuro no presente’**. *Lunetas*, 2021. Available at: <<https://lunetas.com.br/criancas-futuro-no-presente/>>. Accessed on November 19/2021.

*(d) Learning in and with nature* - General Comment no. 26 should address outdoor learning within the children's rights approach to climate and environmental education. Learning in and with nature brings a holistic and integrated perspective to an education that respects nature. Promoting the child's right of access to nature is also promoting the education of children in contact with nature, enabling integral learning and development through different senses and experiences. Also, education with and in nature is essential for preparing children towards environmental conservation. In line with article 29 (a) of the CRC, which sets out children's right 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 cities' territories, "unwalling" children and their educational experiences. This is done through the design of 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.<sup>4142</sup>

#### **IV. The legal duty, the horizontal effect and the shared responsibility of businesses in ensuring a safe, clean, healthy and sustainable environment for children**

4. It is also necessary to point to the shared legal responsibility between public and private agents, including businesses, in guaranteeing a safe, clean, healthy and sustainable environment, considering that the involvement of the business sector is fundamental for the strengthening and guarantee of children's rights. This legal horizontal effect of children's rights is stated in art. 3.1 CRC and detailed in General Comment n. 16 on the impacts of the business sector on children's rights. Considering that its actions can impact the environment and compromise children's right to health, food and clean water, the business sector must consider, above all, the best interests of children and their rights provided in the Convention. Furthermore, it is necessary to consider the principle of human rights due diligence, provided for in the United Nations' Guiding Principles on Business and Human Rights, for the implementation of corporate governance procedures in line with obligations and commitments to protect and promote human rights. For these reasons, it is important to consider the responsibility to regulatory and to oversight of States and the direct responsibility of businesses themselves for environmental sustainability, ensuring that their activities do not negatively impact children's rights and the environment.

*(a) States and Businesses Responsibilities* - In Brazil and other countries in the Global South, many exploratory activities with socio-environmental damage and impact on children's rights are carried out by transnational companies. Thus, **it is recommended that the Committee convene States to hold accountable the commercial activity of private agents and call directly to all private agents, especially corporations, to respect the rights of children** in face of the duty provided in the Convention (art. 3.1 CRC) and the principle of non-discrimination established in the General Comment 16, in particular by not adopting double standards in corporate policies and discriminatory measures with children from the Global South and ceasing practices such as: transfer of obsolete technology; export of waste and

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<sup>41</sup> Criança e Natureza. **Guia de aprendizagem ao ar livre**. Available at: <<https://criancaenatureza.org.br/wp-content/uploads/2021/06/Aprender-ar-livre-ingles.pdf>>. Accessed on February 10/2022.

<sup>42</sup> Cidade Ativa. **Educative city**. Available at: <<https://cidadeativa.org/en/iniciativa/educative-city/>>. Accessed on February 10/2022.

pollution, boosting transboundary carbon emissions; consumption of products which promotes deforestation, the extraction of gold and other illegal minerals and labor analogous to slavery<sup>43</sup>.

*(b) Children's exposure to advertising to kids and consumerist culture* - it is necessary to indicate the adoption of regulatory measures aimed at reducing children's exposure to advertising to kids<sup>44</sup> and it is essential to fight the promotion of a consumerist and materialist culture that ends up, in a final analysis, generating severe damages to the environment, especially from plastic waste.

Therefore, in face of the issues and the reality from a Brazilian and Global South perspective described above, we kindly request to the Members of the Committee that these are considered on the draft of the General Comment 26, as well as highlight our desire to contribute to the organization and realization of a thematic workshop with the Brazilian and/or Latin American civil society as to further collaborate with this document.

We also reiterate our assurances of esteem and gratitude and we remain at your disposal for any clarification.

Pedro Affonso Duarte Hartung  
Legal & Policy Director  
**Instituto Alana**

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<sup>43</sup> 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](http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/publicacoes/roteiros-da-4a-ccr/ManualMineraoIlegaldoOuronaAmazniaVF.pdf)>. Accessed on February 14/2022.

<sup>44</sup> KASSER, T., & Ryan, R. M. (2001). **Be careful what you wish for: Optimal functioning and the relative attainment of intrinsic and extrinsic goals. Life Goals and Well-Being: Towards a Positive Psychology of Human Striving**, (116–131). Available at :<<https://www.globalactionplan.org.uk/news/values-to-transform-our-world>>. Accessed on February 07/2022.