



BUILDING AN EUROPE FOR AND WITH CHILDREN: A STRATEGY FIT FOR A CHALLENGING REALITY

Mireya García de Murcia - Assistant Lawyer, Council of Europe Children's Rights Division
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Children's environmental rights within the Council of Europe



Credit: Maria Portway

1. The new Strategy for the Rights of the Child (2022-2027)

- Overview of the drafting process
- What is new in the Strategy?
- Priority areas. Where are children's environmental rights included?
- Delivering the Strategy. How to get there?

2. Rome Conference (7-8 April)

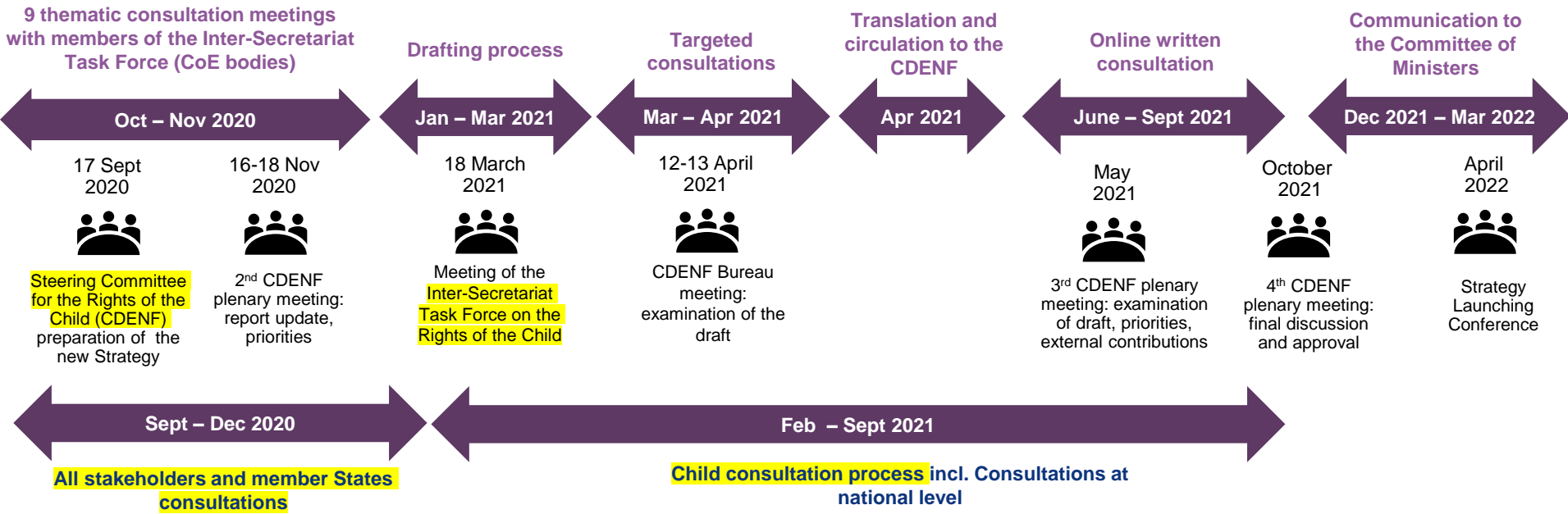
- Key conclusions of the environmental panel

3. Related initiatives in other CoE bodies or institutions

- Recent/upcoming developments
- The right to a healthy environment and the ECHR



OVERVIEW OF THE PROCESS FOR THE PREPARATION OF THE NEW CHILDREN'S RIGHTS STRATEGY





Strategy for the Rights of the Child (2022-2027) What is new?



Credit: Maria Portway

A cross-cutting Strategy

Gender sensitive approach

Anti-discrimination approach

Child participation approach

A variable Strategy

Inclusive approach: proposals from children + child-friendly version

Promoting multistakeholder cooperation

Flexible to host emerging challenges

An action-oriented Strategy

Based in international and European hr standards

Implementation and innovation

Responsibility and accountability

Results-chain framework: keeping track of progress



Credit: Maria Portway

Priority areas



- Violence
- Equal opportunities and social inclusion
- Children & technologies
- Child-friendly justice
- Participation
- Crisis and emergency situations



Equal opportunities and social inclusion for all children



Credit: Maria Portway

Key challenges

- Climate change, environmental degradation, forced displacement, migration and conflicts are also causing **inequalities and poverty** among children
- Children are experiencing **mental health** difficulties (exacerbated during the COVID-19 pandemic), while at the same time lack access to mental health services

CDENF ToR: Mapping study on children's access to quality mental health care (2023)

Innovation objectives

- **Special focus on child poverty and exclusion**

2.2.1 Addressing the root causes of child poverty, preventing situations of extreme child poverty, while trying to mitigate the outcomes, as well as tackling poverty caused by environmental degradation and conflict

- **Mental health issues:**

2.2.10 Fostering children's access to mental health support, dealing with the root causes of children's mental health difficulties, and promoting children's mental well-being, including through support for parents, carers, professionals and volunteers working with children to raise awareness and fight taboos about children's mental health.



Child-friendly justice for all children



Credit: Maria Portway

Key challenges

- Children are not always provided with **access to the justice system** and are not always **informed in a child-friendly manner**, of their rights, the steps of the proceedings, their particular role in them or the legal decisions which affect them.
- Children continue to be excluded from **meaningful participation** in proceedings.
- Legal professionals lack **sufficient training**, including on the ability to hear children adequately.
- Jurisdictions lack **sufficient specialisation** and are not always adapted to the rights and needs of children.

Innovation objectives

- **Legal aid and representation and legal clinics**

4.2.7. Implementing strategies for improving access to legal aid and representation for children, including by offering legal aid through legal clinics and strategic litigation.

CDENF ToR: Guidelines on strategic litigation and legal clinics on the rights of the child (in co-operation with CDCJ, 2025)

- **Children's access to justice in relation to environmental harm**

4.2.10. Zooming in some specific topics, such as (...) children's access to justice in relation to environmental harm.

- **Children access to the ECtHR**

4.2.13. Improving children's access to the European Court of Human Rights.



Giving a voice to every child



Credit: Maria Portway

Key challenges

- Children also lack access to **child-friendly complaint mechanisms**.
- Insiders' perspectives, including the knowledge of children, are needed to tackle issues such as violence and bullying in schools or **access to a healthy environment**, and to strengthen child-sensitive and meaningful service provision for children.
- **Children as defenders of human rights** face challenges in standing up for their own rights and in being taken seriously. In some contexts, they are even threatened, pressured or prevented from taking action.

Innovation objectives

- **Co-designing of environmental policies**

5.2.2 Empowering children to access information and to participate in decisions related to the environment, at different levels of decision making, leading to the co-designing of environmental policies.

- **Children as human rights and environment defenders**

5.2.6 Protecting and empowering children acting as defenders of human rights and of the environment

CDENF ToR: Report on children as defenders of human rights (2023)



Children's rights in crisis and emergency situations

Key challenge: Climate change and natural disasters are hampering the ability of the child to enjoy a healthy environment and environmental degradation is linked to severe health outcomes for children. Children are also highly exposed to toxicity.



Credit: Maria Portway

Implementation objectives

- **CoE as a platform to exchange**

6.1.2 Acting as a platform to exchange good practices among member States on their responses to international crisis, such as the COVID-19 pandemic.

- **Education with respect for nature**

6.1.3 Upholding the right to an education with respect for nature and which raises awareness of natural hazards and environmental risks.

Innovation objectives

- **Human right to a safe, clean, healthy and sustainable environment**

6.2.6 Recognising the human rights obligations as they relate to the enjoyment of a safe, clean, healthy and sustainable environment.

- **Children's access to justice against environmental harm**

6.2.7 Facilitating children's access to justice against environmental harm.



Delivering Rome Strategy - How to get there?

- Institutional settings
 - CDENF = main coordination body overseeing progress
 - Collaboration with other CoE bodies and international partner organisations
- Working methods
 - Biennial Action Plans and implementation reports (2023, 2025, 2027)
 - Mid-term evaluation in 2024
 - Variety of resources : external expertise, capacity-building events, awareness-raising tools, etc.
- Partnerships
 - International and regional organisations: EU (European Commission and FRA), OHCHR and CRC, UNICEF, UN SRSG VAC
 - civil society organisations
 - Children



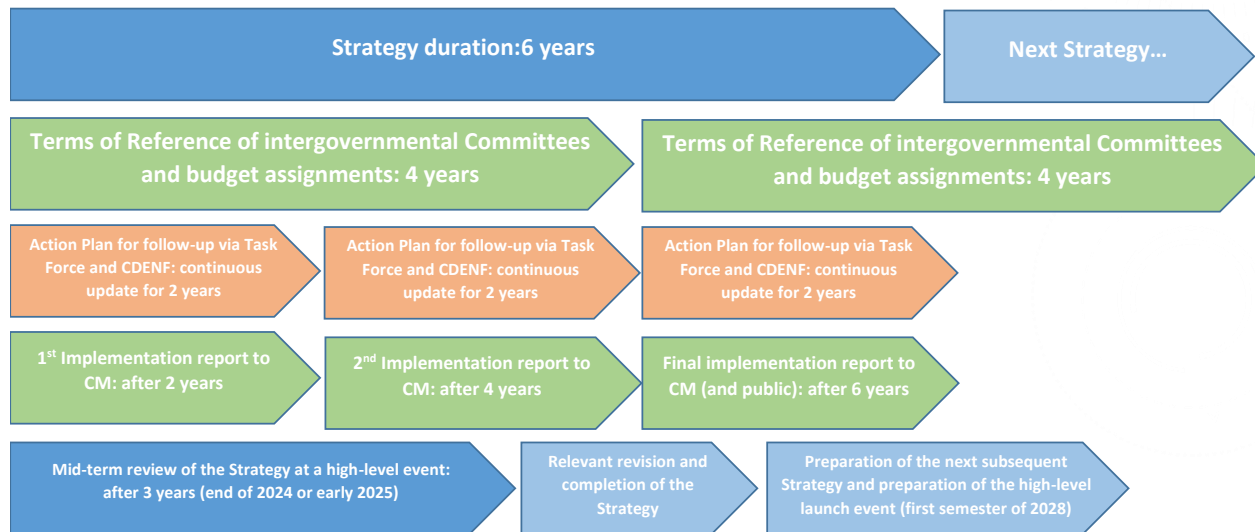


KEEPING TRACK OF THE STRATEGY

ACTION PLAN AND REPORTING CYCLES

Strategy implementation and reporting timelines

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
2022	2023	2024	2025	2026	2027	2028	2029





Rome Conference (7-8 April 2022)

Deep dive conversation B – Recognising and enforcing children’s environmental rights

“Children are confused about what is the most important thing to do to stop climate change. We are just watching our planet die and we do not do anything. What can we do to make our planet a better place?”



Key conclusions

- **Children are key players.** They have power to act, but should be further empowered:
 - Children can trigger positive developments by changing their behaviour and influencing the behaviour of people surrounding them;
 - Children should express their concerns and their anger and stand up for their rights
- **Governments should:**
 - Enact national legal and policy frameworks which address climate change and environmental protection from a child-rights approach.
 - Create safe spaces for children to express themselves, protecting children and adult human rights defenders from reprisals;
 - Ensure access to justice for children in climate cases;
 - Ensure that environmental education happens at all levels, both for children and professionals (e.g. prescribing it through law);
 - Raise awareness of children and adults to induce new behaviours and mind-sets (inter-generational justice)



CoE recent/upcoming developments

Steering Committee for Human Rights (CDDH):

- Recent publication of the [3rd edition of its Manual on Human Rights and the Environment](#);
- To consider the [draft recommendation on human rights and the protection of the environment](#) in June 2022 (prepared by CDDH-ENV).

Council of Europe Parliamentary Assembly (PACE):

- From 1999 the PACE has recommended several times to the Committee of Ministers to draw up an additional Protocol to the ECHR on the right to a safe, clean, healthy and sustainable environment. [Recommendation 2211 \(2021\)](#) and [Resolution 2396 \(2021\)](#) on “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”;
- [Recommendation 2218 \(2022\)](#) “The right to be heard – Child participation: a foundation for democratic societies”;
- [Recommendation 2219 \(2022\)](#) “Inaction on climate change – a violation of children’s rights”.
- Creation of a Network of Contact Parliamentarians for a healthy environment.
- [#EnvironmentRightNow](#) initiative (until September 2021)

Other Platforms/Intergovernmental groups:

- 9th World Forum for Democracy: “Can Democracy change the Environment?": [Children and youth leading the fight against climate change](#)
- [HELP online course on The Environment and Human Rights](#)
- [EUR-OPA Major Hazards Agreement](#)
- [The Council of Europe Landscape Convention](#)
- ToR [European Committee on Crime Problems](#) (CDPC): Study on the feasibility and appropriateness of modernising the Convention on the protection of environment through criminal law (ETS 172) or of preparing a new instrument (2022)
- ToR Joint Council on Youth (CMJ): Guidelines or draft Recommendation on the climate crisis, young people and democracy (2023)



The right to a healthy environment and the ECHR

The ECtHR monitors the European Convention on Human Rights (ECHR) and its Protocols:

- The ECHR does not specifically include the right to a healthy environment (“Neither Article 8 nor any of the other Articles of the Convention are specifically designed to provide general protection of the environment as such; to that effect, other international instruments and domestic legislation are more pertinent in dealing with this particular aspect” *Kyrtatos v. Greece*, 2003).
- It does not protect the environment but the effects of its degradation on people.
- ≈ 300 complaints related to this topic has been decided by the ECtHR (arts. 2, 3, 6, 8, 10, 11 ECHR and art. 1 P.1).
[Factsheet on the environment and the ECHR](#) and [Factsheet on the execution of ECtHR judgments](#)

López Ostra v Spain (1994). Children and the right to a healthy environment (smells and nuisance): “Naturally, severe environmental pollution may affect individuals’ well-being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely, without, however, seriously endangering their health”

Pending cases:

- [Duarte Agostinho and others v. Portugal y other 32 States](#). Climate change and children’s rights
- [KlimaSeniorinnen v. Switzerland](#). Climate change and elderly people



THANK YOU VERY MUCH

**www.coe.int/children
#CoE4Children**

