

BIC's Feedback for the Committee on the Rights of the Child: General Comment No. 26 Global Online Questionnaire

Environmental impacts on children

Q 1.- 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.

- Over the years, Bank Information Center (BIC) has monitored several Multilateral Development Banks (MDBs) projects in sectors that are main drivers of deforestation (e.g. infrastructure, transport, and industrial farming), in highly polluting industries such as mining, as well as MDB projects that aim for forest management, land management and regularization, and sustainable development and COVID-19 recovery. All of them have different environmental impacts and risks but almost none of them consider children's needs and specific impacts and risks in the social and environmental assessment and management processes. Moreover, children tend to be left aside during the consultation processes.
- MDBs can play an important role in upholding children's rights. The CRC Committee should address the role of the MDBs in its new General Comments (GC). This is consistent with its previous mention of addressing the role of the MDBs in the [GC No. 5](#) (para. 64), [GC No. 7](#) (para. 42), [GC No. 15](#) (para. 77) [GC No. 16](#) (para.47-48), [GC No. 19](#) (para. 27.b.).
- Other UN mandate holders and agencies as well as international organizations have referred to the responsibilities of MDBs (see [UNGP+10 global roadmap](#), [UN Doc. A/HRC/RES/34/16](#) and the Inter-American Commission on Human Rights' report on [business and human rights standards](#)).
- The CRC Committee should call on MDBs to meet their environmental commitments, be transparent about their environmental and human impacts, and to conduct their business in a manner that respects the human rights of children and the ecosystems on which they depend.
- The CRC Committee should engage with MDBs and civil society organizations (CSOs) that work in development finance to assess impacts of development projects on child rights and the environment and identify lessons learned from project monitoring and implementation.

A child rights-based approach to environmental issues

Q 4.- 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.

- The CRC Committee should call on MDBs to include children in consultations as key stakeholders, in all stages of the project cycle (design, implementation, monitoring, reporting).
- The CRC Committee should also call on MDBs to consider children as active stakeholders rather than passive recipients of their projects. Therefore, MDBs should include children and their representatives in consultations and maintain open channels of communications with child rights CSOs. In doing so, MDBs should follow [GC 12](#) and [GC 14](#) guidance in their consultations with children, facilitate access to relevant information, commit to holding [meaningful and ethical](#) consultations, respect traditional decision-making processes (particularly when consulting with Indigenous children), and keep in mind the varying needs of [children with disabilities](#) and the accommodations they require to meaningfully participate in consultations. Additionally, MDBs should explain how children's input was used to improve project design and/or implementation.
- MDBs' business as usual is negatively impacting child rights. Typically, MDBs only consider potential project impacts on children when children are primary beneficiaries or directly impacted, such as in education or health projects or when it comes to child labor. Otherwise, MDBs usually do not explicitly take into consideration child rights during project appraisal and implementation.
- Unless MDBs' social and environmental standards/safeguards and implementation guidelines actively incorporate child rights, MDBs are likely to continue overlooking children's rights and needs.
- In a World Bank project in [Tanzania](#) that BIC and FEMAPO are monitoring, children were not consulted during the project's design, increasing the risk that the project may exclude children from project benefits or fail to identify and prevent adverse impacts on children. BIC and FEMAPO are calling for the implementing organization to take a child rights-based approach and consult child rights CSOs in the project cycle.
- BIC has [noted](#) that "when the World Bank prioritizes the inclusion of project-affected people in the consultation process, it helps the implementer improve project design to enable broad access to project benefits as well as to prevent harm to local communities. In projects that are designed to directly benefit children, the input of children and the civil society organizations (CSOs) that represent them is particularly crucial to mitigating potential gaps in project implementation."

- Children have the right to be heard and to participate and contribute their ideas, thereby shaping MDB projects that impact them directly and indirectly.

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

Q 8.- Are there other Convention rights whose realization requires a safe, clean, healthy and sustainable environment (e.g. life, survival and development, an adequate standard of living, food, water, play)? Why is this the case? Should particular rights receive more attention (e.g. freedom from exploitation and all forms of violence, participation in cultural life)?

- The CRC Committee should require MDBs to identify direct and indirect impacts and risks of all their projects on children. For example, assessments that only consider the project's direct impacts on children for projects rated high for environmental risk (for example the health impacts of a coal fired power plant) might overlook the indirect impacts on children (such as those arising from a change in families' economic circumstances or changes in the social fabric of a community).
- The CRC Committee should also call on MDBs to mainstream a child rights-based approach, conduct more robust child rights assessments, improve awareness on how negative impacts on the environment disproportionately impact children, equip task teams to take more assertive action to uphold child rights, and develop operational guidelines aimed at protecting and respecting children rights in light of the environmental and climate change crises.
- Additionally, the CRC Committee should require MDBs to institutionalize creative methods that enable children's engagement throughout MDBs' project design (including transformative measures and access to remedy).
- Over the years, BIC has monitored several MDB projects for environmental impacts, many of which have or have the potential to negatively impact children's rights. For example:
 - A [mining project](#) in The Democratic Republic of Congo, financed by the World Bank's private sector arm, the International Finance Corporation (IFC), led to water and land degradation, but project impacts on children's rights (i.e. health and access to water) were not identified, mitigated, or addressed. This project also posed a high risk for child labor, impacting the health, safety, and development of children in the community. IFC ended up divesting its equity in and closed its loan in 2020, but facts not divulged on IFC's website or in prior exchanges on the topic.
 - A [cement project](#) also financed by the IFC in Egypt exposed the local community to harmful emissions, dust, and pollution, damaging the health

and livelihoods of community members and negatively impacting children's health and right to a healthy environment.

- A [Rural Land Regularization and Titling Program](#) in Bolivia financed by the Inter-American Development Bank (IDB) has generated a change in land use that resulted in deforestation, fires, and environmental degradation. The IDB has not considered children's right to an adequate standard of living and food security and did not include them in consultations.
- The World Bank's ongoing [Climate-Smart Development Project](#) in Uganda's forest and protected areas could negatively affect children's cultural rights, particularly of Indigenous children, by leaving behind their communities ancestral knowledge on forest conservation.
- The [Kampala-Jinja Expressway](#) project in Uganda, financed by the African Development Bank, risks disturbing several hectares of the Mabira Central Forest Reserve and triggering involuntary resettlement that would disproportionately affect marginalized children (particularly child-headed households, orphans, and children living and working on the street, who often lack property rights and thus suffer from discrimination in access to compensation and remedy). Additionally, the large influx of project laborers heightens the risk of gender based violence and child sexual exploitation, abuse, and harassment (SEA/H). The project also poses a higher risk of road accidents due to fast moving construction vehicles as well as increased air and water pollution. The project may also increase child labor, raising school drop-out rates.
- The Ixquisis hydroelectric complex financed by IDB Invest (the private arm of the Inter-American Development Bank), which includes the projects of [Generadora San Mateo](#) and [Generadora San Andrés](#) in the microregion of Ixquisis Guatemala, have [negatively impacted children](#). Impacts and risks on children were not correctly identified, mitigated, or avoided in project design and implementation. In Ixquisis, many women raise fish in pools or tanks in their houses. Water pollution affected not only access to livelihoods such as fish and livestock but also caused illnesses in their children due to contact with the polluted water of the rivers, where the company's waste was dumped. According to the testimony of a project affected woman, children got sick as a result of consuming polluted water: "We drank water from the Negro River; it was a large water, and it also served to bathe and wash ourselves. They ripped up land with machinery, and we can no longer use the water. We cannot find any more water to drink from. Many people arrived a few days ago, and the workers and the security of the hydroelectric plant use it as a bathroom. The children got sick with vomiting, diarrhea, and hives. Since they arrived again, they

finished with the water. Only at night can we go get water, because they stop working, otherwise everything is mud.”

Q 11.- 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 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?

- The CRC Committee should call on MDBs to undertake all necessary measures to protect children’s rights in MDB-funded environmental projects. Currently, there is no World Bank Operational Policy specifically dedicated to children’s rights that includes environmental and climate change aspects.
- References to “children” are insufficient. MDBs should assess and disclose how they are considering project impacts and child rights risks. Children are generally included within a larger group of “vulnerable persons”, but the specific needs of children regarding the right to a healthy environment and protection against climate change tend to be poorly assessed.

Q 13.- 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 CRC Committee should use the opportunity of the GC 26 to clarify and spell out MDBs’ duties regarding child rights in the context of the environmental and climate change crises to which they contribute.
- According to the [UNGP+10 Roadmap](#), the lack of policy coherence and absence of collective political will have been two key reasons for State’s inadequate protection of human rights and businesses’ poor respect for human rights.
- The World Bank is an independent United Nations specialized agency and should also be guided by human rights standards as recommended by UN treaty bodies. To secure policy coherence, the World Bank and other MDBs should engage constructively in international standard-setting processes, such as the CG 26, for more effective promotion of businesses’ respect for human rights.
- Making an express mention to the MDBs’ role in upholding child rights in the context of the environmental and climate change crises would serve to empower project-affected communities and CSOs working in the international finance field to hold the World Bank and other MDBs accountable for harm caused by the projects they finance.

The role of children's rights in environmental protection

Q 20.- 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 child- friendly 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.

- The CRC Committee should call States and MDBs to address climate change impacts on children and put children at the center of MDBs' climate change action plans. For example, the Inter-American Development Bank (IDB) climate change [action plan](#) mentions children (yet has no benchmark), but the World Bank's [strategy](#) makes no specific reference to children.
- MDBs should identify and share challenges and lessons learned from projects' impacts on children's right to a healthy environment, considering the differentiated impacts on boys and girls, and seek concrete recommendations from the CRC Committee on how to uphold the CRC. BIC is currently monitoring several environment related MDB projects and almost none of them target children specifically.
- Additionally, MDBs should lead by example and incorporate Committee GC No. 26 recommendations and consultation process debates into their policies and practices (ESS) to reduce the risk of financing projects that compromise children's rights. Concrete actions could include:
 - Consider children's needs and specific impacts in projects with high risk of environmental damage.
 - Provide sufficient guidance to borrowing countries so they are better positioned to examine any direct or indirect impacts on children.
 - Put into place child-friendly grievance mechanisms and work to "remove barriers that children face to access to justice for environmental harm to the full enjoyment of their human rights" (para. 71.e., UN Doc. [A/HRC/37/58](#)). MDBs should see remedy to children "as an obligation and legitimate compliance cost under safeguards and human rights law, a contribution to sustainability and as part of a broader continuum of stakeholder engagement" (see OHCHR 2022 report on Remedy in Development Finance).