

Submission to Scottish Government Consultation: Net Zero Nation Draft Public Engagement Strategy for Climate Change

Evidence of the Children and Young People's Commissioner Scotland.

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

Consultation Questions: Our Approach

1. Objectives

a) What are your views on the three objectives underpinning our approach to engagement on climate change?

Communicating climate change policy

Climate change policy must be accessible to everyone on an equal basis, including all children and young people. Some children may already be affected by climate change, while others may be less represented in current engagement work. This includes children and young people in rural areas, young carers, care-experienced children, Gypsy/Traveller children, and disabled children. It is essential that the Government work with existing networks and organisations to inform its policy and all related initiatives and communications.

Climate change policy must be accessible, in child-friendly language, and drafted in a manner that enables children and young people to engage with the policy and on-going Government action in this area.

It is also important to make explicit the effects of climate change on human rights in the analysis, messaging, and policy design concerning climate change in Scotland. Particularly the specific vulnerabilities of children and young people and the related impact on their rights.

Enabling participation in policy design

As climate change inherently affects children and young people's human rights and well-being, it is essential that children and young people be actively involved in all stages of the decision-making process and in designing fair and inclusive policies. This extends to all children and young people, including those most at risk of being left behind.

In line with Article 12, one of the guiding principles of the [United Nations Convention on the Rights of the Child](#) (UNCRC), children and young people have a right to participate in decision-making processes relevant to them, in line with their evolving age and maturity. The UN Committee on the Rights of the Child provides additional guidance concerning children's right to be heard in its [General Comment no. 12](#). In its last review of the United Kingdom in 2016, the UN Committee on the Rights of the Child highlighted the importance of this, [recommending](#) the establishment of "structures for the active and meaningful participation of children and giv[ing] due weight to their views in designing laws, policies, programmes and services at the local and national levels."

We welcome the focus on developing a new approach to ensuring a genuine role in the policy process for young people. As with communication, engagement with children and young people needs to be meaningful, tailored, and accessible, including targeted consultations with children and young people.

This should be done in a safe and child-friendly way. The [7 Golden Rules for Participation](#) - a set of principles that anyone working with children and young people can use – can provide a guide for engagement with children and young people. They inform adults what children and young people's participation should feel like.

Encouraging action

While we welcome the emphasis on encouraging action on climate change so that it is normalised and encouraged in communities and places across Scotland, we highlight the importance of State-led climate action. As the primary duty-bearers under international human rights law and signatories to the United Nations Framework Convention on Climate Change, State-led action should provide support for individuals, businesses, and all society to transition.

Businesses have a responsibility to identify, prevent, and mitigate children and young people's exposure to environmental health risks. In its [General Comment no. 16](#), the UN Committee on the Rights of the Child further elaborated on States' obligations under the Convention regarding the business sector's impact on children's rights. It sets out clear guidance for States to effectively implement their UNCRC obligations by ensuring that business operations do not adversely impact on children's rights, establishing an environment for businesses to respect children's human rights across business relationships and global operations, and ensuring access to effective remedies. The [UN Guiding Principles on Business and Human Rights](#) also provide guidance in this area.

Under the UNCRC, States have an obligation to ensure that children and young people's education includes a focus on the environment. Therefore, education about climate change should be part of the school curriculum and include the impact of climate change on children and young people's human rights. In line with the UN Committee on the Rights of the Child's 2016 [recommendations](#) to encourage active citizenship and human rights education, we recommend encouraging and supporting

children and young people to take action and play a central role in climate action initiatives.

b) Do you think that any of these objectives should be removed or changed?

Children and young people have been at the forefront of calls for climate action and their leadership and engagement in this area should be recognised.

Children and young people are agents of change. It is essential that these objectives create an explicit role for children and young people and that they are involved in Scotland's measures to address climate change. Children and young people have innovative ideas and solutions and are best-placed to provide information and advice on their lived experiences and how to address this.

Climate change affects every facet of individual's lives, including their human rights. These objectives should recognise the obligations and commitments to which Scotland is bound under the United Nations Convention on the Rights of the Child (UNCRC), other [international human rights treaties](#), and the [2030 Agenda for Sustainable Development](#), including the principle to leave no child behind.

c) Are there any objectives that you think should be included that are currently missing?

N/A

2. Principles

a) What are your views on our seven principles for public engagement set out in Box 1?

■ **Positive**

We welcome the strategy's focus on the positive opportunities and benefits of protecting the planet. This focus echoes calls from young environmental human rights defenders and [international human rights experts](#) on the mutually-reinforcing links between the enjoyment of human rights and a safe, clean, healthy and sustainable environment and the urgent need for climate action. Furthermore, the benefits highlighted by the strategy will also deliver on key human rights protections.

The vision of a better and fairer society is in line with the Scottish Government's commitments under the international human rights framework, including the UNCRC, and the vision laid out in the 2030 Agenda for Sustainable Development, which sit at the heart of Scotland's [National Performance Framework](#). As such, human rights and the Sustainable Development Goals (SDGs) must lie at the heart of the strategy and efforts to combat and adapt to climate change and climate action plans.

■ **Putting People First**

This people-centred principle is aligned with the core of international human rights obligations and the 2030 Agenda for Sustainable Development. Given the [inherent links between the 2030 Agenda and children's human rights](#), this principle should ensure that children and young people are at the heart of climate action, that their views are heard and considered, and that children and young people play a central role in the transition to a Net Zero Nation. This principle should also recognise the [core role](#) that individuals play as agents of change and partners in efforts to tackle climate change.

In efforts to bring people with them, the Government should emphasise the benefits that a transition to a Net Zero Nation will have for all people and ensure that people feel truly part of the strategy and climate action initiatives.

■ **Dialogue**

Dialogue is essential to constructive and meaningful engagement with children and young people. We welcome this focus and highlight the importance of age-appropriate, accessible, and adapted means of communication for engaging with children and young people. Children and young people need to be listened to and understood and receive clear communication and certainty about government measures and their impact on children and young people's lives.

■ **Just**

Children and young people have been at the forefront of the climate justice movement, claiming their human rights and highlighting the need to protect the planet.

Access to justice is an essential part of the international human rights framework and affected communities and sectors must be guaranteed their rights to effective remedy and redress in the transition to a Net Zero Nation. It is crucial that the specific vulnerabilities of children and young people in this regard are recognised and that children and young people can access accessible and age-appropriate mechanisms and processes for remedies and redress. This will ensure that no child will be left behind in the climate response, in line with Scotland's commitments under the 2030 Agenda for Sustainable Development.

■ **Inclusive**

We welcome the Government's inclusive approach to climate action. The Government must undertake the necessary steps to ensure that all parts of society are reached, particularly those most affected by climate change and/or most at risk of being left behind. This includes children and young people in rural areas, young carers, care-experienced children, Gypsy/Traveller children,

and disabled children. Existing networks and organisations can provide a gateway to identifying and engaging with such populations and can assist in the dissemination of information. All documentation in this regard must be fully accessible and available.

■ Evidence-based

We welcome the inclusion of this principle and acknowledge the steps the Scottish Government has taken to include evidence-based decision-making in its legislative and policy development. Evidence-based decision-making is essential to ensuring that potential human rights challenges faced by children and young people can be avoided or mitigated in government legislation, policy, and practice. Furthermore, it is important that the Scottish Government ensure that it both publishes the evidence and communicates clearly and in an accessible and age-appropriate manner the reasoning behind the decisions it takes.

With regards children and young people's human rights, the Scottish Government should observe a structured Child Rights Impact Assessment (CRIA) process. Government responses have too often overlooked children and young people's human rights. This was demonstrated most clearly in decision-making around the Covid-19 pandemic.

CRIA enable governments to examine how their decisions might affect children's human rights - both positively and negatively - and if necessary, suggest ways to avoid or mitigate any negative impact. It also ensures children and young people's views are heard in matters concerning them. Doing so results in a child rights approach to policy-making becoming the norm.

On March 16, 2021, the Scottish Parliament unanimously [voted to incorporate the United Nations on the Convention on the Rights of the Child \(UNCRC\) into domestic Scots law](#), taking effect six months from Royal Assent. The Bill requires the Scottish Government to use CRIAs in all strategic decisions.

In 2020, the European Network of Ombudspersons for Children developed a [Common Framework of Reference for Child Rights Impact Assessments and Impact Evaluations](#) to guide States in these processes.

■ Open and Transparent

Open, clear, and transparent communications raise public confidence and strengthen public engagement with Government policy. It is important that the rationale for decision-making is clear and transparent in order to retain public confidence, including of children and young people.

b) Do you think that any of these principles should be removed or changed?

Overall, these principles are welcome and provide a strong basis for climate action that respects, protects, and fulfils children and young people's human rights and aligns with the vision of the 2030 Agenda for Sustainable Development. However, this will only be successful through concrete and comprehensive implementation at all levels.

c) Are there any principles of good public engagement on climate change that you think are missing?

N/A

3. Other comments

a) Do you have any other comments on our overall approach?

N/A

Consultation Questions: Green Recovery

4) What are your views on the opportunities and challenges for public engagement in the Green Recovery?

A green recovery is an essential part of building back better from the Covid-19 pandemic. It is a core element of the Covid-19 response in different fora and aligns with the vision of the 2030 Agenda for Sustainable Development. It is essential to ensure that the human rights challenges with regards climate change faced by children and young people – both now and for future generations - are included and addressed in building back better in a green and fair manner. Children and young people have much to offer in this area and they should be engaged meaningfully in dialogue and policy development.

Consultation Questions: Communicating Climate Change Policy

5) What are your views on our approach to communicating climate change policy?

To reach the broadest range of individuals possible, the communication of climate change policy should be accessible, available in age-appropriate formats, and disseminated widely through different media.

6) Are you aware of any practical examples or case studies of good practice for communicating on climate change that could be useful for informing our approach?

The United Nations Special Rapporteur on the Environment and Human Rights created a [child-friendly version](#) of his [2018 report on children's rights and the environment](#).

The Office of the High Commissioner for Human Rights has [a range of resources](#) to raise awareness of the human rights impacts of climate change and environmental harms.

The [Children's Rights Environmental Initiative](#) (CERI), which was formed under the auspices of the Special Rapporteur in cooperation with core partners, has held regional consultations directly with children and young people and supported the [Declaration on Children, Youth and Climate Action](#), which was launched at the 25th Conference of Parties (COP-25) in 2019 and has been signed by 12 governments to date. CERI is also planning to develop further resources to communicate about climate change and climate action in a manner that is accessible for and tailored to children and young people.

Consultation Questions: Enabling Participation in Policy Design

7) What are your views on our approach to enabling participation in policy design?

As we set out in more detail in response to the first question, it is essential the approach to enabling participation in policy design is adapted for engagement with children and young people, in line with international human rights obligations. This means it should be meaningful, tailored, age-appropriate, and accessible, including targeted consultations with children and young people.

8) Are you aware of any practical examples or case studies of good practice for enabling participation in decision-making that could be useful for informing our approach?

It is important to use many different methods to support children and young people to participate in decision-making. As one approach, the Children and Young People's Commissioner Scotland recruits [groups of young advisors](#) to inform the work and priorities of the office and to ensure that our work is relevant to and engaging for children and young people.

Child Rights Connect also has a [Children's Advisory Team](#).

Holding consultations with children and young people that are adapted to them and their methods of communication is very important. As mentioned above, CERI has held consultations with children and young people.

The United Nations Office of the High Commissioner for Human Rights (OHCHR), in partnership with Child Rights Connect, the coordinating civil society organisation for the UN Committee on the Rights of the Child, have [held consultations](#). OHCHR has

also engaged with and encouraged participation of children and young people [through other means](#).

The UN Committee on the Rights of the Child has developed [resources](#) and guidelines for [engaging with children and young people](#) throughout its work.

Consultation Questions: Encouraging Action

9) *What are your views on our approach to encouraging action?*

As mentioned in response to the first question, action to address climate change must be primarily State-led and in line with its international human rights obligations. It is important to encourage children and young people to engage, recognising their role as agents of change, and to ensure they are educated about the environment.

10) *Are you aware of any practical examples or case studies of good practice for encouraging climate change action that could be useful for informing our approach?*

N/A

Consultation Questions: COP26

11) *How do you think COP26 can help deliver a positive legacy for people of Scotland and climate action?*

COP-26 has the potential to deliver a positive legacy for all people. It is a crucial opportunity to highlight the central role of human rights, including the right to a healthy environment, and to strengthen a framework for implementation of human rights in the context of climate action. If Scottish Government's plans are delivered in a comprehensive and inclusive manner, COP-26 could deliver a lasting legacy which helps promote climate justice, support a green recovery from the Covid-19 pandemic and transform thinking around the climate agenda.

12) *How can we work with stakeholders and actors across Scotland to deliver our "people" theme for COP26.*

The Scottish Government must take an innovative, inclusive approach to working with stakeholders across Scotland to deliver the "people" theme for COP-26, encouraging engagement in different ways, including through educational institutions. Existing networks and organisations can provide a gateway to identifying and engaging and can assist in the dissemination of information. To be truly inclusive, it must also work with local government officials to ensure engagement at community level across Scotland. All documentation in this regard must be age-appropriate, fully accessible, and available.

13) Are there other initiatives that the Scottish Government should consider joining or supporting ahead of COP26?

The [Intergovernmental Declaration on Children, Youth and Climate Action](#), currently signed by 12 Member States, was adopted at COP-25 in Madrid in 2019. We encourage the Scottish Government to support this Declaration.

Consultation Questions: Monitoring and Evaluation

14) What are your views on how our progress towards our objectives could be most effectively monitored and evaluated?

It is essential to have a comprehensive data collection and evaluation system, which generates high-quality, disaggregated data. This must include measurable child rights indicators disaggregated by, *inter alia*, age, gender, ethnicity, disability, and other criteria.

15) How regularly – and in what format – should we report on progress on the strategy?

Progress should be reported through regular updates in various formats that are disseminated widely, with opportunities for all stakeholders, including children and young people, to engage.

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