



# **Child rights and climate change in Aotearoa New Zealand**

***Supplementary information for the UN  
Committee on the Rights of the Child***

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### **About OraTaiao**

OraTaiao/The New Zealand Health and Climate Council ([www.orataiao.org.nz](http://www.orataiao.org.nz)) is an Aotearoa New Zealand (Aotearoa NZ) non-governmental organisation with a membership of over 500 health professionals and associates. OraTaiao is part of the growing global movement of health professionals concerned with how climate change impacts on health. OraTaiao is committed to justice in global health and health equity and especially concerned with the effects of climate change on the health of indigenous peoples and island nations in the South Pacific region.

### Introduction

In its General Comment on the Right to Health, the United Nations Committee on the Rights of the Child (UN Committee) said that climate change:

... is one of the biggest threats to children's health and exacerbates health disparities. States should, therefore, put children's health concerns at the centre of their climate change adaptation and mitigation strategies.<sup>(1)</sup>

The UN Committee has recognised the impact of climate change on the rights of children in a series of Concluding Observations.<sup>(2-6)</sup> The UN Committee's 2016 Day of Discussion on Children's Rights and the Environment has a focus on climate change.<sup>(7)</sup>

Although climate change has a disproportionate effect on children, their rights have been largely overlooked in international negotiations and agreements about climate change.<sup>(8)</sup> Until recently the focus has been on environmental, economic and industrial issues and the rights and views of disadvantaged groups most affected—including children, people who are indigenous, who belong to minority groups, have disabilities, or are poor—have been neglected.

In the last decade, increasing attention has been given to the impact of climate change on children,<sup>(8-14)</sup> and on human rights and climate justice.<sup>(8,15-20)</sup>

Last year, 27 United Nations Special Procedures mandate holders stated that climate change is a grave threat to human rights - including rights to life, health, food, and water. They said that climate change is "one of the greatest human rights challenges of our generation (paragraph 9)", with its most severe effects on those already struggling to enjoy their rights, including children.<sup>(21)</sup>

There is growing concern about intergenerational equity, including for children alive now, who can expect to be affected throughout their lives by a worsening climate, and for those yet to be born. The climate is one of the crucial natural resources that States hold in trust for future generations.<sup>(8,22)</sup>

The Paris Agreement under the United Nations Framework Convention on Climate Change is the first multi-lateral environment treaty to recognise human rights.<sup>(23,24)</sup> The preamble refers to "human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity" as obligations for Parties to "respect, promote and consider".<sup>(23)</sup> The United Nations Special Rapporteur on human rights and the environment, in a statement endorsed by other special rapporteurs, has said that States have human rights obligations to strengthen their intended contributions to meet the Paris Agreement target of keeping the increase in global average temperature well below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C.<sup>(25)</sup>

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This background paper outlines how, as well as the unjust impacts on all children, there are some groups of Aotearoa NZ children disproportionately affected by climate change. We focus mainly on those groups. We also outline the absence of consideration of the best interests or views of children in the Aotearoa NZ Government's climate policies, and the Government's slow and ambivalent progress in taking the climate-related actions necessary to respect, protect and fulfil the rights of children. We recommend actions that the Aotearoa NZ Government should take as part of its obligations under the United Nations Convention on the Rights of the Child (CRC).

### The disproportionate effect of climate change on some Aotearoa NZ children

Although climate change will affect the rights of all children and adults in Aotearoa NZ, some groups will be disproportionately affected.<sup>(26,27)</sup> Children who are Māori, Pacific, poor, and/or experiencing discrimination and disadvantage will carry a greater burden. For some, this is happening now.

#### **Māori children**

For indigenous Māori children, climate change threatens displacement and dispossession from lands, heritage and resources; disruption of family relationships; loss of cultural identity and knowledge; increased poverty and marginalisation; worse health; and effects on their spiritual relationship with the natural environment.<sup>(11,27,29,30)</sup>

This is illustrated by the expected impact on their physical and mental health (see Table 1) and by the effects of the loss of traditional ways of life already being experienced by children from one tribe (see Box 2).

#### **Box 1:**

#### ***A note on Aotearoa NZ's constitutional links with Tokelau, the Cook Islands and Niue***

*The Realm of Aotearoa NZ includes Tokelau, the Cook Islands and Niue which all have constitutional links with Aotearoa NZ. Tokelau is a non-self-governing Aotearoa NZ territory, and the Cook Islands and Niue are both self-governing nations in "free association" with Aotearoa NZ. Tokelauans, Cook Islanders and Niueans are Aotearoa NZ citizens with full rights to enter and live in Aotearoa NZ, and with the same benefits as other Aotearoa NZ citizens.<sup>(28)</sup>*

*Tokelau, the Cook Islands and Niue are not members of the United Nations. However the Cook Islands and Niue are parties to the United Nations Convention on Climate Change.*

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**Table 1: Expected impact of climate change on physical and mental health of Māori children in Aotearoa NZ** <sup>(29,31-34)</sup>

<p><b><i>Injury and illness from extreme weather events (flooding, storm surges, drought, etc.)</i></b></p>	<p>Most Māori now live in urban areas, but many Māori communities, and Māori cultural, social, economic and recreational activities are in coastal areas vulnerable to sea level rise and extreme weather events. Many Māori rural and remote settlements have vulnerable infrastructure and lack resilience to cope with and recover from extreme events. Extreme events can worsen chronic disease and access to health services. This will disproportionately affect Māori children who already have higher rates of chronic disease and worse access to health services than Pākehā children.</p>
<p><b><i>Mental health</i></b></p>	<p>Loss of Māori land, urupā (cemeteries), marae (traditional Māori meeting places), and other places of cultural importance will add to the existing burden of mental illness and higher rates of self-harm among Māori children.</p>
<p><b><i>Vector-borne disease</i></b></p>	<p>New mosquito vectors carrying diseases like Dengue could become established in Aotearoa NZ, especially in the North Island where Māori are concentrated in coastal areas that are at higher risk for the establishment of exotic mosquito populations.</p>
<p><b><i>Respiratory disease</i></b></p>	<p>Māori children have higher rates of respiratory illness, including asthma (see also <i>Allergic conditions including asthma</i>). These rates may increase for several reasons, including temperature changes, air pollution, and inadequate housing. Māori children are already more likely to be living in overcrowded housing. They are more likely to be living in traditional settlements in many coastal areas or flood plains vulnerable to extreme weather events. Changes in weather may lead to greater use of heat sources that produce indoor air pollutants. Dwellings may become damper, colder and mouldy. The reduction in habitable dwellings, climate-related displacement of people, and reduced family income may increase overcrowding and homelessness, and thus increase infections. The respiratory effects of increased outdoor air pollution will also fall disproportionately on Māori children.</p>
<p><b><i>Nutrition and food security</i></b></p>	<p>As local sources of food gathering production are affected by climate change, and food prices rise globally, the higher burden of food insecurity and poor nutrition experienced by Māori children is likely to increase.</p>
<p><b><i>Allergic conditions including asthma</i></b></p>	<p>Changes in pollen dispersal and the distribution of plants and flowering could increase allergic conditions including asthma. Rates of asthma are already higher among Māori children than Pākehā children</p>
<p><b><i>Effect on parents, grandparents and other family members</i></b></p>	<p>The wellbeing of Māori children cannot be separated from the wellbeing of their wider family. Māori children will also be affected by the disproportionate effects of climate change on Māori adults.</p>

**Box 2: Current impact of climate change on Ngāti Hine children <sup>(30,35)</sup>**

*Ngāti Hine is a Māori tribe in northern Aotearoa NZ. Ngāti Hine has a close relationship with their lands and waterways, a relationship that has survived the impact of colonisation. Ngāti Hine ancestral lands are inland and away from urban centres. Most people on these lands live a lifestyle that values traditional ways of life.*

*Ngāti Hine are renowned for their relationship with tuna (eels). Their customary fisheries are in their rivers and wetlands. The tuna breed and spawn once a year—during a time that has specific climatic requirements—in the Pacific Ocean and return to the land, migrating back up the rivers.*

*Ngāti Hine have been able to maintain their autonomy in part because of the tuna in their waterways. The whole of Ngāti Hine culture depends on the lifecycle of the tuna. Tuna are essential kai (food) and a major source of protein. Ngāti Hine have a reciprocal relationship with tuna, which are revered as kai and a measure of caring and hospitality.*

*Ngāti Hine have adapted their traditional practices to protect the sustainability of the tuna despite Government agendas of deforestation and the draining of wetlands. Now Ngāti Hine elders observe that climate change is also depleting the tuna.*

*Ngāti Hine children learn their culture and heritage in an experiential way from their kaumatua and kuia (older people, especially grandparents), who pass on their deep knowledge about tuna to their mokopuna (grandchildren). Thus tuna are central in the bringing up of children and the relationship between generations.*

*Climate-related disruption of the lifecycle of the tuna has profound implications for Ngāti Hine children to enjoy the rights guaranteed to them by the CRC, including their rights to family, health, food, standard of living, education, culture and being indigenous.*

*And, of course, the impact on tuna is only one of the ways in which climate change will impact the rights of Ngāti Hine children.*

### ***Tokelauan children***

The people of Tokelau are the original inhabitants of Tokelau and on the frontline of climate change. They are already experiencing severe impacts from a problem their country did not create and which will get worse. Climate change is a major existential challenge and threat to the people of Tokelau, including to their survival as a distinct people and to the survival of their culture.<sup>(36)</sup>

Tokelau is very vulnerable to climate change because it is made up of three small low-lying atolls surrounded by ocean, and located in a region prone to natural disasters. Tokelauans live a subsistence lifestyle. Problems from climate change include increased intensity of tropical cyclones (hurricanes), sea level rise, severe storm surges, salt water intrusion into its scant fresh water sources, prolonged water shortages, and ocean acidification, and the impact of actions taken by other countries to address climate change.<sup>(36-39)</sup>

Tokelau has led the world by example on climate action. It was the world's first nation to produce all of its electricity from solar energy, has prioritised the expansion of solar energy in its development partnerships with Aotearoa NZ and others, and aspires to be the first country to achieve 100 % renewable energy.<sup>(37,38)</sup>

Tokelauan leaders have explained that because of Tokelau's international status they are left behind in international discussions and actions on climate change, even though climate change may mean that—despite their considerable adaptation efforts—Tokelau may become uninhabitable. They have repeatedly said they would rather “fight and adapt” to climate change than leave their homeland and relocate elsewhere, and that planned “migration with dignity” is a last resort.<sup>(36,40)</sup>

### ***Pacific children in Aotearoa NZ***

Pacific children in Aotearoa NZ already experience considerable inequality and marginalisation, and are hence likely to be disproportionately affected by climate change. An example is that Pacific children are more likely to be living in crowded and rented houses in deprived areas. Their housing conditions may worsen as extreme weather events aggravate existing problems with cold and damp housing, climate change affects the supply and availability of housing, and people in the Pacific Islands and Aotearoa NZ who have been displaced by climate change come to stay with their extended family in Aotearoa NZ.<sup>(11,27,41,42)</sup>

Pacific children in Aotearoa NZ will also be especially affected because they maintain historical, familial, cultural, language and economic connections with those living in the Pacific Islands;<sup>(43)</sup> countries that will be severely impacted by climate change. The islands that Aotearoa NZ Pacific children and families most commonly identify with are Samoa, Tonga, the Cook Islands, Niue, Tokelau and Fiji.<sup>(44)</sup>

Leaders of the Pacific Islands - including leaders from the countries within the Realm of Aotearoa NZ - have repeatedly stated that unless global warming is kept well below 1.5°C above pre-industrial levels, climate change is a severe threat to the survival of Pacific



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peoples, territories, culture, security, and wellbeing. They have called on the international community to act urgently.<sup>(36,45-49)</sup> Tokelau is a member of the Coalition of Atoll Nations on Climate Change. Samoa, Tonga, the Cook Islands, Niue and Fiji are members of the Alliance of Small Island States that advocates for urgent climate action. Pacific countries, were leaders in the strong and effective campaign for the adoption of the 1.5°C aspirational goal in the Paris Agreement.

Aotearoa NZ Pacific leaders have also stated the severity and urgency of the threat and asked the Aotearoa NZ Government to act.<sup>(50,51)</sup>

### ***Children from other ethnic groups***

Climate change will also impact on many other children who have strong connections with other nations. An example is the effect of climate change on children in Aotearoa NZ who identify as Filipino. The Philippines is one of the world's most climate vulnerable nations.<sup>(52)</sup> The number of Filipino people in Aotearoa NZ is rapidly increasing - from 17,000 in 2006 to over 40,000 in 2013, of whom only one in seven was born in Aotearoa NZ.<sup>(53,54)</sup>

### ***Children whose circumstances mean they may be especially impacted***

Groups of children who may be disproportionately impacted include children who:

- are in families that are poor
- are living in poor quality housing
- have disabilities
- have chronic illnesses
- have parents and close family members who are especially affected by climate change because of their disability or health issues or age (for example, older people)
- live in areas vulnerable to climate-related events and sea level rise, including those in coastal or low-lying areas, or areas subject to drought
- go to schools that are vulnerable to climate-related events
- are in a family whose standard of living and way of life is adversely affected by climate-related events and actions.<sup>(8, 11, 21, 26, 27, 29, 50, 55, 56)</sup>

## **The best interests and views of children are missing in Aotearoa NZ's climate change policies**

Consideration of the best interests of children appears to be absent from key Aotearoa NZ climate change policy documents and processes.<sup>(57-62)</sup>

Many children are deeply concerned about environmental damage,<sup>(63)</sup> and advocate for climate justice, including with the youth-led Generation Zero and other non-governmental organisations, and their interest in the work of Aotearoa NZ youth delegations to international climate change conferences.<sup>(64-66)</sup>

However, the public consultation on Aotearoa NZ's intended contribution to the United Nations Framework Convention on Climate Change did not provide specific opportunities for the participation of children. Some children and young people did speak at the public hearings and expressed strong concern about adult inaction. They told of their fears about the impact that climate change will have on their lives, including their reluctance to become parents themselves in the face of an uncertain future.<sup>(67)</sup> The Government's summary of submissions does not refer to children.<sup>(68,69)</sup>

More recently, the Government has been reviewing the Emissions Trading Scheme (for carbon trading) which is the main policy tool used by Aotearoa NZ to meet its obligations under the Convention on Climate Change. Again, the public consultation process did not include specific opportunities for the participation of children.<sup>(59,70)</sup>

In order to participate in meaningful ways, children need to be informed about climate change and what actions they can take with their families. Sustainability—including environmental sustainability—is a key theme in the Aotearoa NZ education curriculum.<sup>(71)</sup> In May 2016, a search of tools and resources available on a Ministry of Education website to assist children learn about climate change found limited age-appropriate resources.<sup>(71)</sup>

## **Aotearoa NZ's slow and ambivalent progress in taking the climate-related actions required to respect, protect and fulfil the rights of children**

In 2015, Aotearoa NZ announced its Intended Nationally Determined Contribution under the United Nations Framework Convention on Climate Change. The target to reduce greenhouse gas emissions to 11% below 1990 levels is non-binding and provisional<sup>(69)</sup> If most countries took Aotearoa NZ's approach, global warming would exceed 3-4°C.<sup>(72)</sup>

Aotearoa NZ is a wealthy country and describes itself as “known for its work to promote human rights internationally.”<sup>(73)</sup> Aotearoa NZ's per capita income is nine times that of Pacific island countries and territories, and its per capita gross emissions are eleven times as much.<sup>(26)</sup> Despite the calls from Tokelau, Niue, the Cook Islands and other Pacific Islands, Aotearoa NZ took a conservative position in the 2015 United Nations Climate Change conference negotiations. Aotearoa NZ was slow to support the inclusion of the aspirational goal of keeping global warming below 1.5°C above pre-industrial levels in the Paris Agreement.<sup>(74)</sup>

At the 2015 Paris Conference, the Prime Minister announced that “New Zealand will provide up to \$200 million for climate related support over the next four years, most of which will benefit Pacific Nations.”<sup>(75)</sup> Subsequently officials explained that this money will come out of New Zealand's existing budget for international aid and development.<sup>(102)</sup>

Aotearoa NZ has signed, but not ratified, the Paris Agreement.

The Government intends to meet its emissions reduction targets through reducing domestic emissions, the removal of carbon dioxide by forests, and participating in international carbon markets<sup>(76)</sup> It is unclear how this will happen. The Ministry for the Environment has a long-term target that Aotearoa NZ will be carbon-neutral by 2050.<sup>(58)</sup> However, there is no appropriately resourced whole-of-government plan to move to a zero emission economy. Current climate change policies do not take a human rights based approach.

Although Aotearoa NZ supported the Sustainable Development Goals,<sup>(77)</sup> it has not commenced the “urgent action to combat climate change and its impacts” required under Goal 13.

Some government policies will undermine Aotearoa NZ achieving its intended targets. This year, a month before signing the Paris Agreement, the Government announced an expansion of permits for offshore fossil fuel exploration.<sup>(78)</sup> The Government has signed and intends to ratify the Trans-Pacific Partnership Agreement which will hinder the ability of Aotearoa NZ and other nations to have policies and regulations to reduce emissions, particularly those from fossil fuels.<sup>(41,79)</sup>

Agricultural greenhouse gases (methane and nitrous oxide) account for 48 % of all Aotearoa NZ's emissions.<sup>(61)</sup> Government economic policy is to continue the intensification of agriculture, especially of dairy farming. The dairy industry is Aotearoa NZ's biggest exporter and almost all of Aotearoa NZ's milk is exported.<sup>(80)</sup>

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The dairy industry has aspirations for Aotearoa NZ to become a major exporter of infant formula in the Asia-Pacific region. There has been little public discussion as to whether aspects of Aotearoa NZ's dairy trade undermine breast-feeding in other countries. Intensive dairy farming has significant impacts on the environment, particularly water quality. Further dairy intensification increases emissions, both directly, via an increase in the overall number of dairy cows, and indirectly, as intensification of dairy in Aotearoa NZ has been accompanied by supplementary palm kernel feeding. This supplementary feeding adds impetus to rainforest destruction, especially in Indonesia. Fonterra, Aotearoa NZ's largest company, has recently been granted consents to construct a new coal-fired milk drying plant, which will require further expansion of intensive dairy farming to be economically viable.<sup>(62,81-87)</sup> Government policy to reduce agricultural emissions currently relies on the discovery and development of new feeding and genetic technologies to reduce emissions from cows, sheep and other ruminant animals, while maintaining or increasing high levels of exported products.<sup>(68)</sup>

The generation of energy produces 22 % of Aotearoa NZ's emissions. About four fifths of electricity comes from renewable sources.<sup>(61)</sup> This proportion could readily increase. Aotearoa NZ has an abundance of sun and wind, as well as the existing infrastructure and systems for renewable energy generation and distribution. However, major electricity generation companies have slowed their plans to move away from coal and gas as a source and perverse disincentives exist for community and household renewable generation such as solar energy.<sup>(88,89)</sup>

Transport accounts for 17 % of Aotearoa NZ's emissions.<sup>(61)</sup> Although there has been a small but welcome increase in safe cycling routes and public transport, progress has been slow, and more than 80% of the country's transport budget continues to be spent on new highways, roads and road maintenance, with approximately 1% on walking and cycling.<sup>(90)</sup>

The Emissions Trading Scheme assisted the Government to say it was complying with its international commitments under the Kyoto Protocol to the Framework Convention on Climate Change. However, an official evaluation found the Emissions Trading Scheme has not been effective in reducing Aotearoa NZ's greenhouse gas emissions or influencing business decisions.<sup>(91)</sup> Agricultural greenhouse gases are excluded from the Scheme and other industries are also given free carbon credits. Aotearoa NZ was, proportional to its emissions, the largest purchaser of fraudulent foreign carbon credits from the Ukraine and Russia, and has been, and still is, using these fraudulent credits to claim it meets international emissions reduction targets.<sup>(92,93)</sup>

Aotearoa NZ's slowness on climate action means that children have missed out on opportunities to enjoy their rights. Well-designed climate action brings important opportunities to strengthen child rights.

An example is children's right to enjoy the highest attainable standard of health. The Lancet Commission on Health and Climate Change said, "tackling climate change could be the greatest global health opportunity of the 21st century."<sup>(94)</sup> Seventeen Aotearoa NZ health professional and academic organisations have made a joint call for action on climate change and health.<sup>(95)</sup> However Aotearoa NZ has not undertaken a health impact assessment of the



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costs and opportunities associated with climate change.

Aotearoa NZ could take climate action in ways that increase children's enjoyment of their right to health in childhood and throughout their lives, and reduce inequalities. Infrastructure and policies that encourage walking, cycling and public transport will improve physical and mental health and also reduce air pollution and greenhouse gas emissions. Insulating houses improves children's health, reduces days away from education, and reduces emissions. Healthy eating, including increased plant and less red and processed meat and animal fat consumption, would reduce obesity and lifelong chronic disease risks. A shift in Aotearoa NZ's food production system away from milk powder exports towards growing adequate fruit, vegetables and meat for local and regional needs would improve food security and nutrition, as well as reducing water pollution and emissions, and thus be of direct and indirect benefit to the health of children and adults. <sup>(11,26,27,29,50,94,96-101)</sup>

## **Conclusion and recommendations**

Aotearoa NZ's slow and ambivalent approach to taking action to mitigate and adapt to climate change means that it has failed to respect, protect and fulfil its international legal human rights obligations to children.

Aotearoa NZ is both a wealthy country and a high per capita emitter of greenhouse gases. It could and should do far better. Taking well-designed climate action would mean that Aotearoa NZ will substantially increase opportunities for children now and in the future to enjoy their rights.

### ***Recommendations to Aotearoa NZ***

- 1. Urgently ratify the Paris Agreement.*
- 2. Place children's rights at the centre of Aotearoa NZ's domestic and international climate change adaptation and mitigation strategies, policies, and programmes, with special attention to the rights of children most vulnerable to the effects of climate change including the children of Tokelau, the rights of children in the future, and ensuring children's meaningful participation.*
- 3. Establish a clear legal commitment in domestic legislation to substantially and rapidly reduce greenhouse gas emissions, including a legal commitment to appropriate technical, human and financial resources, and with targets and timeframes to progressively reduce greenhouse gas emissions to zero.*
- 4. Establish an independent mechanism for monitoring and accountability of Aotearoa NZ's domestic and international climate change actions that takes special account of the rights of children.*
- 5. Collect disaggregated data on the risks faced by children from climate change and the effects on children of climate change mitigation and adaptation actions.*
- 6. Incorporate the risks and effects of climate change and climate change mitigation and adaptation on the rights of children in all reporting on climate change to the United Nations and other international bodies, including Communications to the United Nations Framework Convention on Climate Change.*

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