

## Dignity Rights Project



### A Commentary of *Dignity*: The *right* defined by inputs for the UN OHCHR Analytical Study on the Impacts of Climate Change on the Rights of the Child

Of the various submissions to the UN OHCHR, we found two submissions that explicitly reference dignity. Chile explicitly recognizes the right of dignity in the context of mentally or physically disabled children, however, the submission implicitly references dignity as a right owed to children as guaranteed by the CRC.<sup>1</sup> Similarly, the Non-Government Organization, Plan International, references dignity explicitly in its submission in relation to protect of the child. Although each submission conveys a nuanced understanding of the right to dignity, both submissions recognize that dignity is a right owed to children.<sup>2</sup>

#### A. CHILE- NATIONAL HUMAN RIGHTS INSTITUTE

In their submission to the UN, the Chilean Human Rights National Institute, (“CHRNI”) identifies *dignity* as both a substantive and procedural right, and that children are vulnerable to deprivation of their rights, which includes *dignity*. More specifically, CHRNI recognizes that the guaranties delivered by the Convention on the Right of the Child (CRC) are binding, and further, that the effects of climate change have potential to directly injure such guarantees. Additionally, CHRNI identifies the vulnerability of dignity in the context of mentally or physically disabled children. CHRNI explicitly purports “[any] mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure *dignity*, promote self-reliance and facilitate the child’s active participation in the community.” (Art. 23 CRC)<sup>3</sup>. The implicit reference to the right of *dignity* that belongs to children is specified in the CRC, which CHRNI cites as authoritative. In the preamble for the CRC, dignity is mentioned three times, each for a distinct meaning. First, the preamble declares that dignity is inherent. Second, that dignity is essential to promotion of social progress. Third, the child should be raised to become an individual in society and brought up in the spirit of dignity. Specifically, the CRC proclaims: (1) “Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;” (2) “Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom;” and, (3) Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

The CHRNI submission implies that the right to dignity as specified by the CRC includes both substantive and procedural rights, and recognizes that these rights, which are related to the

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<sup>1</sup> The Chilean Human Rights National Institute. *The Chilean Human Rights National Institute response to OHCHR questionnaire about climate change and child rights* (Dec 2016).

<sup>2</sup> Plan International. *A View from 2016: Child-Centered Disaster Risk Reduction and Climate Change Adaptation in the 2030 Agenda for Sustainable Development* (Oct 2016).

<sup>3</sup> The Chilean Human Rights National Institute at 1.

protection of the environment, encompass the right to dignity. For example, CHRNI defines “substantive rights” as those rights in which the enjoyment is particularly vulnerable to environment degradation, which includes right to life, right to health, property rights, among others.<sup>4</sup> Comparatively, “procedural rights” are defined by CHRNI as those rights whereof their exercise could support better environment policies formulation, an encompasses the right to information, right to participate on the decision-making process and the right of an effective remedy.<sup>5</sup> Ultimately, the conclusion that can be drawn from the CHRNI submission is that children’s enhanced vulnerability to the effects of climate change demands for vigilant observation of dignity rights.

## B. NON-GOVERNMENT ORGANIZATION – PLAN INTERNATIONAL

In the NGO Plan International’s submission to the UN OHCHR, the NGO references *dignity* in the context of protection. For example, Plan International recognizes that certain protections are and must be, specific to Child Protection. In its submission, Plan International explicitly discusses the importance of preserving human dignity in terms of responses to humanitarian crises. For instance, Plan International cited High-Level Leaders Roundtable, which states “[in order to] uphold the norms that safeguard humanity: “[name of member state /Organization] commits to ensuring that all humanitarian response activities have the aim of making people safer, preserving their dignity and reducing vulnerabilities by making humanitarian leadership accountable for pursuing protection outcomes; [which includes] building the skills of staff according to their duties in areas such as protection, international humanitarian law and international human rights law, negotiations with parties, security and access, internal policies, conflict sensitivity, and improving the safety and security of relief personnel by building trust with armed groups and local actors, and adhering to humanitarian principles.<sup>6</sup> In its submission, Plan International impliedly recognizes that the child’s dignity rights ought to be especially protected in times of humanitarian crisis, such as, climate change.

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<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Plan International at 47.