NETHERLANDS NETWORK FOR HUMAN RIGHTS RESEARCH

National Climate Adaptation Strategy 2026

Response of the Netherlands Network for Human Rights Research Working Group on Human Rights and the Climate Crisis to the Consultation of the Ministry of Infrastructure and Management

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Working Group on Human Rights and the Climate Crisis

The Netherlands Network for Human Rights Research (NNHRR) is an institutional collaboration between the law faculties at all universities in the Netherlands. The NNHRR was established in 2017 to sustain and further strengthen cooperation in the field of human rights research. The NNHRR Working Group on Human Rights and the Climate Crisis was established in 2023 to connect academics studying the multifaceted ways in which climate change affects human rights. It welcomes different interdisciplinary perspectives on the study of human rights from its members, in order to examine the climate crisis as a cross-cutting issue affecting multiple dimensions of human rights research, practice, and teaching.

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TABLE OF CONTENTS

SUMMARY 1

A. INTRODUCTION 3

B. THE EUROPEAN COURT OF HUMAN RIGHTS AND THE CLIMATE CRISIS 4

C. INTERNATIONAL HUMAN RIGHTS LAW AND CLIMATE CHANGE OBLIGATIONS FOR STATES 7

C.1 Advisory Opinion of the International Court of Justice on Climate Change Obligations for States 7

C.2 Human rights obligations under the International Covenant of Civil and Political Rights 10

C.3.1 Obligations for States under the right to health 11

C.3.2 Review of the NAS'26 in light of the obligations of the Netherlands to protect and promote the right to health 12

D. VULNERABLE GROUPS AND CLIMATE RISKS 15

D.1 Women and girls 15

D.2 Children 17

E. CONCLUSIONS 21

E.1 Recommendations 22

SUMMARY

Human rights law sets out the minimum standards for States to comply with in order to realise rights and ensure human dignity. As a State party to all treaties addressed above, the Dutch Government and all its legislative and executive bodies are obliged to comply with these international human rights standards. However, as a wealthy country with significant expertise and capacity, as well as significant vulnerability to climate change, we encourage the Dutch Government to also go beyond these standards in order to deliver the best possible adaptation strategy. By expressing the value and concrete effects of different human rights obligations, NAS'26 can be modeling a human rights-based approach to climate change for other States to follow.

Based on various international legal bodies implementing climate change obligations for States (i.e. European Court of Human Rights, International Court of Justice) **the regulatory framework for climate policy requires international climate agreements and human rights obligations to be translated into national legislation.** Therefore, when drafting climate policy, the Dutch government must take into account the international and national developments in the field of human rights, environmental law and climate law, as well as the close link between environmental protection and human rights as part of the (international) legal context.

The National Climate Adaptation Strategy 2026 (NAS'26) outlines pathway maps to monitor varying rates of climate change and thus aims to give concrete shape to these choices. However, it functions largely separate from the strict, legally binding emission-reduction targets of the Dutch Climate Act (Klimaatwet). We stress that under the human rights framework, adaptation measures cannot be taken in isolation from mitigation measures. Consequently, **NAS'26 must be fully integrated with the State's mitigation framework**, prioritizing synergetic policies that simultaneously reduce vulnerability and lower emissions.

In expressing the human rights obligations under international legal frameworks in NAS'26, the government should **provide local authorities with the funds, means and methods to implement their (international) obligations** to give effect to the national climate adaptation strategy. The government should also provide for **a legal mechanism that allows NGOs, individuals or vulnerable groups to hold public authorities legally accountable if (local) adaptation measures fail to meet the 'effective protection' standard**. The State should also take precautions via adaptation measures to ensure that they do not violate the civil and political rights of people both in the European and Caribbean parts. This would also indicate the **procedural obligation to protect the rights of minorities to 'effective participation'** when deciding upon their living conditions and livelihood, especially in the Caribbean parts of the Kingdom.

Based on international human rights and climate obligations for States, we draw special attention to the rights for minorities, the right to health, the rights of women and children, and the protection of (other) vulnerable groups. **For each of these minorities and vulnerable groups, we stress that they should be well represented in all climate decision-making bodies and consultation groups, since representation of their interests is vital to their protection in the NAS'26 climate change strategy.** While experiencing biological differences, women and girls also face significant climate risks and burdens due to long-standing social inequalities. Under international law, women have the right to equality with men and to participate in political and public life and decision-making at both the national and international level. **Participation is a particularly pertinent issue for children**, as they are already excluded from formal political participation through local and national elections.

The human right-based approach emphasises the participation of communities in climate action, including in designing and implementing adaptive responses to climate change. **Climate change mitigation, alongside adaptation, is essential to longer term human health and survival in the Netherlands.** In this, social infrastructure and health safeguards require a top-down infrastructure that has to take effect on the local level. Social resilience is key, and is grounded in social networks, also referred to as social capital. However, NAS'26 fails to acknowledge that in many contexts faith-based, spiritual, and religious communities are among the strongest and most resilient pillars of social infrastructure during crises. **By including resilience and acknowledging the spiritual dimensions of community coping mechanisms, NAS'26 can tap into a potentially cost-effective, culturally competent avenue for climate-related adaptation.**

A. INTRODUCTION

The Intergovernmental Panel on Climate Change (IPCC) reports that human activities have caused rapid changes in our climate, including increases in heatwaves and droughts, which it projects (with high confidence) to become more frequent.[1] Europe is in fact warming "twice as fast as the global average, with increasing health impacts due to summer heat that challenge the resilience of European societies and public health systems".[2] This is prescient given the current temperatures in the Netherlands. As such, we welcome the NAS'26 and the invitation for public consultation. Human rights law provides that the public has the right to be consulted on governmental policy-making, which the *Aarhus Convention* protects specifically in the context of the environment.[3] Human rights law has also stipulated many obligations on states regarding the climate crisis. As such, we regret that the draft NAS'26 does not refer to human rights law at all - despite referring to other international treaties like the Paris Agreement. Our present submission is therefore dedicated to highlighting the relevant aspects of human rights law to be incorporated into the NAS'26.

In the last decade especially, international human rights law has developed and begun to establish binding obligations on states in relation to both climate change mitigation and adaptation. These obligations are in addition to pre-existing ones such as the right to water, food, housing, physical and mental health, work, science, cultural life, religion, land, and the supreme right to a life with dignity. These obligations are binding on the Dutch State - including all levels and branches of the State. In this submission, we elaborate upon human rights law, its application to climate change and the Netherlands, and make recommendations to the Ministry to revise the NAS'26 on that basis. First, we stipulate regional obligations under the European Convention of Human Rights (Section B). Following that, we address international obligations based on the UN framework of human rights treaties (Section C). We also pay special attention to the rights of specific groups such as children, women, Indigenous people, and those with disabilities (Section D).

The Netherlands is a party to all of these human rights instruments, and is therefore legally bound - under both Dutch and international law - by their provisions. However, this is not reflected in the current draft of the NAS'26, which often refers to certain obligations as 'goals'.[4] This framing obfuscates the fact that the UN declared a human right to a clean, healthy, and sustainable environment in 2022.[5] As such, our recommendations are not merely suggestions, but expert interpretations of existing legal obligations upon the Dutch Government. Additionally, by expressing the value and concrete effects of these human rights obligations, NAS'26 can be modeling a human rights-based approach to climate change for other States to follow.

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[1] Intergovernmental Panel on Climate Change (IPCC), 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.) IPCC, Geneva, Switzerland, paras A.2.1 and B.1.4.

[2] Elisa Gallo, Marcos Quijal-Zamorano et al, 'Heat-related mortality in Europe during 2023 and the role of adaptation in protecting health', Nature Medicine (12 August 2024).

[3] *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (adopted 25 June 1998, entered into force 30 October 2001) 2161 UNTS 447.

[4] For example, on page 130, the draft speaks about the 'social goals' of maintaining "a safe and healthy physical living environment and a high level of environmental quality."

[5] UN GA res A/RES/76/300.

B. THE EUROPEAN COURT OF HUMAN RIGHTS AND THE CLIMATE CRISIS

The European Convention of Human Rights (ECHR) plays a pivotal role in climate change policy in the Netherlands. Already in the *Urgenda* case in 2019, the Dutch Supreme Court interpreted the protection of Article 2 ECHR (the right to life) and Article 8 ECHR (the right to private life) to also encompass the right to protection against the consequences of dangerous climate change resulting from global warming caused by CO_2-emissions. In 2022, the United Nations General Assembly made this relationship explicit by advocating for 'the human right to a clean, healthy and sustainable environment', a right that is related to other international rights and international (environmental) law and interconnected with climate obligations of States: 'sustainable development (…) and the protection of the environment (…) contribute to and promote human well-being and the full enjoyment of all human rights, for present and future generations [and] conversely, the impact of climate change (…) has negative implications, both direct and indirect, for the effective enjoyment of all human rights'.[6] The interconnection between human rights, the environment, and climate change entails an obligation towards adaptation strategies as well as mitigation strategies.

In the *KlimaSeniorinnen* case in 2024, the European Court of Human Rights (ECtHR) considered that climate change poses an urgent threat to human rights.[7] According to the ECtHR, climate change requires a tailored approach, in which human rights are viewed in light of developments in international law regarding climate agreements and the climate obligations of States. In 2026, the ECtHR criteria were used to assess the Dutch climate plan in the Bonaire case before the District Court of The Hague.[8] The District Court found that the Dutch State's climate mitigation and adaptation policies did not meet internationally agreed minimum standards and violated article 8 ECHR. Thus, human rights have implications for the National Climate Adaptation Strategy, that we see not reflected in the current proposal. In this section we will therefore explore the human rights obligations derived from the ECHR and ECtHR case law (especially *KlimaSeniorinnen*) and their impact on national climate strategy.

In the *KlimaSeniorinnen* case, the ECtHR examined Article 2 ECHR and Article 8 ECHR concerning the human rights obligations of States. In light of climate change, Article 8 ECHR is interpreted as 'encompassing a right for individuals to effective protection by the State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life'.[9] Based on Article 8 ECHR, climate policy should prevent future harms and adaptation measures 'must be put in place and effectively applied in accordance with the best available evidence'.[10] This binds States to local and international scientific data: **if scientific evidence shows a specific threat, the State is legally obligated to act on that evidence.** The ECtHR does not rule on the specific scale of certain emission reduction targets, but rather on the actual and timely actions taken by States. While the NAS'26 acknowledges the acute danger of heatwaves to vulnerable groups, it largely relies on qualitative goals (e.g.: 'improving risk perception', 'making cities heat-resilient'). **Specific, binding and quantified targets are missing in**

[6] Resolution 76/300 of the United Nations General Assembly (28 July 2022), *The human right to a clean, healthy and sustainable environment, UN Doc* A/RES/76/300. The Netherlands voted in favour of this resolution.
[7] ECtHR 9 April 2024, 53600/20 (*Verein KlimaSeniorinnen Schweiz and others v Switzerland*).
[8] District Court The Hague 28 January 2026, ECLI:NL:RBDHA:2026:1347 (*Climate Case Bonaire*).
[9] ECtHR 9 April 2024, 53600/20 (*Verein KlimaSeniorinnen Schweiz and others v Switzerland*), para. 519.
[10] ECtHR 9 April 2024, 53600/20 (*Verein KlimaSeniorinnen Schweiz and others v Switzerland*), para. 551.

NAS'26. For example: mandatory maximum temperature thresholds for public housing, hospitals, schools, as well as concrete deadlines by which specific standards (especially for vulnerable groups) must be achieved.

The ECtHR treated climate change as a holistic threat, indicating that **adaptation cannot be a substitute for failing to meet mitigation** (emission reduction targets). The ECtHR set out extensive criteria for mitigation action,[11] the regulatory framework consisting of three building blocks:

1) The obligation to adopt general measures with a target timeline. The total remaining carbon budget must be calculated for this timeline, in accordance with national or international objectives. Intermediate targets and pathways for GHG reduction (by sector or other relevant methodologies) must be established, enabling the overall national targets to be met within the relevant timeframes.

2) Providing evidence, showing whether authorities have duly complied, or 'are in the process of complying, with the relevant GHG reduction targets'.

3) Action must be taken in a timely, appropriate and consistent manner when designing and implementing the relevant legislation and measures. Responsible authorities must have the proper mandate and the policy process must be made concrete and actionable.

To determine whether a State fulfilled its obligations, the ECtHR applies an overall assessment: the adequacy of the State's measures are examined holistically. The overall climate framework must be effective and coherent.

Adaptation measures are essential to protect individuals from the immediate and localized impacts of climate change. Because adaptation measures are highly dependent on local geography and specific vulnerabilities, the ECtHR left States with a wider discretion in choosing how to adapt (compared to the stricter, quantified limits placed on mitigation). The NAS'26 outlines pathway maps to monitor varying rates of climate change and thus aims to give concrete shape to these choices. However, it functions largely separate from the strict, legally binding emission-reduction targets of the Dutch Climate Act (Klimaatwet). **We stress that under the human rights framework by the ECtHR, adaptation measures cannot be taken in isolation from mitigation measures**. Consequently, the NAS'26 must be fully integrated with the State's mitigation framework, prioritizing synergetic policies that simultaneously reduce vulnerability and lower emissions.

The rights protected under the ECHR must be 'practical and effective, not theoretical and illusory'. When these rights are (about to be) violated, an effective remedy before a national authority must be available (Article 13 ECHR). In *KlimaSeniorinnen*, the ECtHR established that individuals have a right to effective protection from the adverse effects of climate change. NAS'26 is framed primarily as a policy instrument, a voluntary national programme containing administrative measures for the central government. It should consider **a legal mechanism that allows individuals or vulnerable groups** (see Section D) **to hold public authorities legally accountable if (local) adaptation measures fail to meet the 'effective protection' standard**. In addition, as established in *KlimaSeniorinnen*, environmental and civil society organizations should be allowed to challenge administrative inaction on climate adaptation. **Formal procedural pathways and legal standing (for individuals and non-**

[11] See more extensively, also on Dutch climate policy: E.C. Gijselaar & B.A. Kuiper, *KlimaSeniorinnen*: eenzijdige dialoog in de meergelaagde rechtsorde*, Overheid & Aansprakelijkheid* 2024/62, afl. 4, p. 136-147.

governmental organizations (NGOs)) should be available for systemic failures in climate adaptation, mirroring their recognized role in mitigation cases.

Finally, local administrative or budgetary constraints are no excuse for failure to protect fundamental human rights. NAS'26 outlines challenges and goals for cities, towns and villages, but many execution responsibilities for local climate adaptation (like urban greening or local water management) fall on municipal governments (gemeenten). The Vienna Convention on the Law of Treaties (art. 27) provides that a State cannot invoke its internal law or domestic division of powers (such as municipal autonomy) to justify its failure to perform an international treaty obligation. The State remains directly liable for resulting violations of the right to health. However, local authorities often lack either the mandatory legal directives or guaranteed central funding to implement these costly measures. To make a success of this national climate adaptation strategy, **funds should be provided to local governments from a central, national fund, tied directly to the execution of NAS'26, while local governments should have mandatory duties to implement adaptation measures**, rather than relying on local priorities and voluntary budgets.

C. INTERNATIONAL HUMAN RIGHTS LAW AND CLIMATE CHANGE OBLIGATIONS FOR STATES

The responsibility of States to protect human rights and prevent climate change has also been confirmed in international law. The 2015 Paris Agreement, which the Netherlands is a party to, requires in its preamble that States "should, when taking action to address climate change, respect, promote and consider their respective obligations on 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". In 2025, the International Court of Justice (ICJ) issued an advisory opinion, providing national governments with guidelines on how to act in line with international obligations under climate law and human rights law (Section C.1). Other international human rights treaties bring forward essential information on how to act with international climate obligations as well, such as procedural rights for minorities (Section C.2) and obligations concerning health issues (Section C.3).

C.1 Advisory Opinion of the International Court of Justice on Climate Change Obligations for States

One of the main contributions of the International Court of Justice's Advisory Opinion on the Obligations of State in respect of Climate Change was the strengthening of the international legal framework on the climate crisis. In this landmark document, the Court clarified what are the obligations of states under international law to ensure the protection of the global climate system and other parts of the environment, as well as what are the legal consequences under them for States that have caused significant harm to the climate system and other parts of the environment. As such, the ICJ's Advisory Opinion provides guidelines that should be taken into account when designing a national adaptation strategy.

In this Advisory Opinion, the ICJ provided a detailed overview of the different legal frameworks under international law that address, in one way or another, the protection of the environment in the context of the climate crisis. These included the Charter of the United Nations; climate change treaty framework, which comprises the UNFCCC, the Kyoto Protocol, and the Paris Agreement; the ozone layer treaties; the Biodiversity Convention; the Desertification Convention; customary law; and international human rights law. For the purposes of this submission, this section will highlight two elements of this Advisory Opinion. First, the adaptation obligations entailed in the climate change treaty framework, specifically under the UNFCCC and the Paris Agreement. Second, the obligations that emerge from International Human Rights Law, focusing on the emergence of the right to a healthy environment.

Mitigation, Adaptation, and Co-operation Obligations under the UN Framework Convention on Climate Change.

The Court remarked that the climate change treaty framework comprises three binding instruments: the UNFCCC, the Kyoto Protocol, and the Paris Agreement.[12] The main objective of this treaty framework, according to article 2 of the UNFCCC, is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system".[13] These treaties are permeated by key principles that must guide the interpretation of the

[12] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 174.
[13] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 225.

obligations that they entail.[14] These are the principle of common but differentiated responsibilities and respective capabilities, the precautionary principle, sustainable development, and the principle of equity and intergenerational equity.[15] Additionally, the duty to co-operate, an obligation enshrined under customary law, also serves as a guiding principle.[16] Taking these into consideration, the ICJ identified several obligations under these treaties that relate directly to the protection of the climate system and other parts of the environment from anthropogenic GHG emissions.[17] The ICJ also stated that under the Paris Agreement, which is the most comprehensive treaty addressing the issue of climate change, the primary temperature target for limiting the global average temperature increase is 1.5°C above pre-industrial levels.[18]

The climate change treaty framework contains mitigation obligations, adaptation obligations, and obligations to cooperate. Mitigation obligations are mainly aimed at the stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.[19] Therefore, the UNFCCC seeks to achieve this through the limitation of anthropogenic GHG emissions, and through the preservation and enhancement of sinks and reservoirs of GHG.[20] The Paris Agreement further specified what this entails, by establishing in its article 4 that states must prepare, communicate and maintain nationally determined contributions (NDCs), as well as pursue domestic mitigation measures. Specifically regarding the obligation to implement mitigation measures to achieve its NDCs, the ICJ remarked that this obligation requires states to act with due diligence in taking necessary measures to achieve the objectives set out in their successive NDCs.[21] In that sense, States are not obliged to guarantee that the NDCs objectives will be achieved, but to make the best efforts to obtain such a result.[22]

Regarding adaptation, the ICJ adopted the definition provided by the IPCC, which understands adaptation as "the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities".[23] The Paris Agreement also understands adaptation as the "ability to adapt to the adverse impacts of climate change and foster climate resilience".[24] Consequently, states have the obligation to "[f]ormulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to … facilitate adequate adaptation to climate change".[25] The Court also referred to article 7 of the Paris Agreement, which states that "the current need for adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts, and that greater adaptation needs can involve greater adaptation costs".[26] In that sense, **both the adaptation and mitigation obligations are complementary in the prevention and reduction of the harmful consequences of climate change.**

[14] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 178.
[15] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 178.
[16] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 178.
[17] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 185.
[18] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 225.
[19] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 200.
[20] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 200.
[21] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 252.
[22] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 253.
[23] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 209.
[24] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 255.
[25] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 210.
[26] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 255.

Finally, several provisions of these treaties refer to the duty to cooperate, which is part of customary international law.[27] This duty entails the state obligation to "the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases".[28] This is based on the global nature of climate change, which requires the widest cooperation of the international community in its response. The Paris Agreement establishes obligations of co-operation with respect to specific issue areas, such as adaptation, and loss and damage.[29] While the specific means of co-operation are a matter to be freely decided by each State, the Paris Agreement prescribes the principal forms of co-operation, which are financial assistance, technology transfers and capacity-building.[30] A main aspect of the duty to cooperate, which is aligned with the principle of common but differentiated responsibilities, is that developed State parties, like the Netherlands, shall provide support for developing State parties for the implementation of their mitigation obligations.[31]

International Human Rights Law and Climate Change

The ICJ remarked that the adverse effects of climate change hinder the full enjoyment of human rights.[32] For the ICJ, "the environment is the foundation for human life, upon which the health and well-being of both present and future generations depend".[33] Therefore, the protection of the environment is a precondition for the enjoyment of human rights.

While the adverse effects of climate change may impair the effective enjoyment of all human rights, the Court referred to specific rights that may be particularly affected by it.[34] Among them the Court mentioned the right to life; the right to health; the right to an adequate standard of living, which encompasses access to food, water and housing; the right to privacy, family and home; the rights of women, children and indigenous peoples, and the right to a healthy environment (RHE).

The RHE first appeared in Principle 1 of the Stockholm declaration of 1972, where it was defined as "the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being". Since then, the RHE has been included among other fundamental rights in different constitutions, including the Dutch Constitution, and it even found its way into regional human rights treaties, such as the African (Banjul) Charter on Human and Peoples' Rights and the Additional Protocol to the American Convention on Human Rights (Protocol of San Salvador), and the Arab Charter on Human Rights. In 2022, the United Nations General Assembly adopted Resolution 76/300 on the right to a clean, healthy, and sustainable environment, with 161 out of 193 member states voting in favour and zero against, demonstrating the overwhelming support of the international community for the RHE.

For the ICJ, the right to a clean, healthy and sustainable environment is a result of the interdependence between human rights and the protection of the environment.[35] The Court recognized that a clean,

[27] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 215.
[28] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 214.
[29] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 260.
[30] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 262.
[31] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 264, 267.
[32] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 372.
[33] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 373.
[34] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 386, 393.
[35] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 393

healthy and sustainable environment is a precondition for the enjoyment of many human rights.[36] Consequently, in order to guarantee the effective enjoyment of human rights, the RHE has to be also protected as a human right. Therefore, for the ICJ, the RHE is essential and inherent in the enjoyment of other human rights.[37]

While the ICJ did not refer explicitly to the content of the RHE, this matter has been largely addressed by the Special Rapporteur on the Human Right to a Healthy Environment. Based on how this right has been understood on a domestic level, the RHE has both procedural and substantive elements.[38] The procedural elements entail access to environmental information, public participation in environmental decision making, and access to justice in environmental matters.[39] The substantive elements are clean air, a safe climate, healthy and sustainable produced food, access to water and adequate sanitation, a non-toxic environment in which to live, work, and play, and healthy ecosystems and biodiversity.[40]

C.2 Human rights obligations under the International Covenant of Civil and Political Rights

The International Covenant on Civil and Political Rights protects a range of human rights, which will all be impacted by the effects of climate change, including freedom of expression and assembly, the right to private and family life, and the right to life itself - the 'supreme right'. The body that monitors the implementation of that Covenant, the UN Human Rights Committee, recognised in 2019 that "environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life."[41] This finding is reflected in two recent decisions where the Committee adjudicated cases against New Zealand (*Teitiota*) and Australia (*Billy*) regarding adapting to the impacts of climate change. In the first case, a man from Kiribati claimed a violation of his rights if he was returned from New Zealand to Kiribati,[42] where rising sea levels had reduced access to drinking water, food, land and housing, which had led to violent conflicts. While the Committee did not dispute these claims, it found that they did not yet rise to the level of violating his right to life. Two years later, the Committee did find a violation of rights based on Australia's failure to take adaptation measures based on the impacts of climate change.

In *Billy et al v Australia,* members of an Indigenous community living in the Torres Strait islands alleged that Australia had violated their rights to life, private and family life, and minority rights to culture.[43] Like Kiribati, these islands are low lying and due to sea level rise, victims suffered from high tides that

[36] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 393
[37] ICJ 23 July 2025 (*Obligations of States in respect of Climate Change*), para. 393.
[38]Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 'Right to a healthy environment: good practices' (30 December 2019) UN Doc A/HRC/43/53.
[39] Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 'Right to a healthy environment: good practices' (30 December 2019) UN Doc A/HRC/43/53.
[40] Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 'Right to a healthy environment: good practices' (30 December 2019) UN Doc A/HRC/43/53.
[41] Human Rights Committee, General Comment no 36 on the right to life, para 62.
[42] *Teitiota v New Zealand,* Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016, 2020.
[43] *Billy et al v Australia*, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No.3624/2019, 2023.

destroyed homes, altered traditional fishing practices, and eroded grave sites of their family members and ancestors. While again not finding a violation yet of the right to life, the Committee did find that Australia violated their rights to private and family life as well as minority cultural rights. In coming to its decision, the Committee specifically considered Australia's Regional Adaptation and Resilience Plan. The Committee found Australia liable for reparations, such as "adequate compensation … for the harm … suffered; engage in meaningful consultations with the authors' communities in order to conduct needs assessments; continue its implementation of measures necessary to secure the communities' continued safe existence on their respective islands; and monitor and review the effectiveness of the measures implemented and resolve any deficiencies …."[44]

As a party to the ICCPR, the Netherlands is bound by these standards and has also accepted the jurisdiction of the Committee to hear complaints against them. **The Netherlands should therefore take precautions via adaptation measures to ensure that they do not violate the civil and political rights of people both in the European and Caribbean parts.** This would also indicate the procedural obligation to protect the rights of minorities to 'effective participation' (article 27 ICCPR) when deciding upon their living conditions and livelihood.[45] This is especially vital when their livelihood is strongly connected with the land, environment and nature - which is the case for people living in the Caribbean Netherlands.

C.3 Obligations for States under the right to health

This section reviews how the NAS'26 should reflect the obligations and guidance of UN human rights treaty law in the context of climate change and the right to health. Obligations under the European Convention on Human Rights, as interpreted by the European Court of Human Rights in the *KlimaSeniorinnen* case and in which health was at issue, are addressed above. Review of the implementation of the right to health in NAS'26 follows in Section C.3.2.

The right to health is best conceived as a composite human right, requiring respect for all other human rights, including civil, political, economic, social and cultural rights, and the right to a clean, safe and healthy environment, to achieve its full realisation. The committees which monitor the implementation of UN human rights treaties have issued substantive guidance on their interpretation, including in the context of climate change. As early as 2000, the UN Committee on Economic, Social and Cultural Rights (CESCR), which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), issued General Comment 14 addressing States' obligations in the context of the right to health. General Comment 14 notes that 'the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as … access to safe and potable water… and a healthy environment.'[46] In 2002, in General Comment 15 the CESCR noted the potential impact of climate changes and salinity on water availability, with consequent impacts on the right to health for present and future generations.[47] In 2025 the CESCR issued General Comment No 27 on economic, social and

[44] para 11.
[45] See in more detail: Gijselaar, Kuiper & Malaihollo, 'Het belang van artikel 27 IVBPR in the Klimaatzaak Bonaire; Not about us without us', *Nederlands Juristenblad* 2026, afl. 24, 10 juli 2026, p. 2002-2009.
[46] CESCR, 'General Comment 14: The Right to the Highest Attainable Standard of Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)' (2000) UN Doc E/C.12/2000/4 paras 4, 11
[47] CESCR, 'General Comment No 15 (2002); The Right to Water (arts 11 and 12 of the International Covenant on Economic, Social and Cultural Rights' (2003) UN Doc E/C.12/2002/11 para 28

cultural rights and the environmental dimension of sustainable development, with reference to climate change and the right to the highest attainable standard of physical and mental health. The CESCR noted that 'Health policies and programmes must address both the physical and the mental health impacts of environmental degradation, including by building accessible, sustainable and resilient health systems... The meaningful participation of civil society organizations and representatives of disadvantaged or marginalized groups should be ensured throughout all stages of health planning to promote more inclusive outcomes.'[48] The UN Convention on the Rights of Persons with Disabilities (CRPD) (art. 11) requires States to take all necessary measures to ensure the safety of persons with disabilities in situations of risk, including natural disasters and humanitarian emergencies, the right to the enjoyment of the highest attainable standard of health of persons with disabilities without discrimination on the basis of disability (art. 25), and the opportunity to participate in political and public life (art. 29). All of these legal obligations are relevant to the content of the NAS'26 and should be acknowledged in its introductory section.

Review of the NAS'26 in light of the obligations of the Netherlands to protect and promote the right to health

NAS'26 notes that during the 2019 heatwave, 400 excess deaths occurred in a single week. At least 900 excess deaths were recorded between June 22 and July 6, 2026, according to the RIVM.[49] NAS'26 projects that, under high emissions scenarios, approximately 3,800 people could die prematurely each year by 2050, particularly among the elderly and vulnerable groups. Yet the draft's current plan—to double the number of municipalities with local heat plans from 90 to 180 by 2028 (p 26)—means that a significant portion of the total of 342 regular municipalities will still lack localized heat-health coverage for years. However, mobilising 'maximum available resources' to secure a comprehensive, legally binding, and fully funded national heat protection framework is an obligation to prevent foreseeable loss of life. Another critical issue is saline contamination and access to potable water and impacts on agriculture. The Kennisprogramma Zeespiegelstijging notes that the rising sea level increases pressure on Dutch fresh water access, including for domestic consumption and agriculture.[50] Technical solutions are proposed, but enormous costs are acknowledged and, as sea level rise continues, the longer term is uncertain. Funding for major engineering works and their maintenance indefinitely will drain resources for other adaptation measures. **NAS'26 must emphasise that climate change mitigation, alongside adaptation, is essential to longer term human health and survival in the Netherlands.**

NAS'26 deserves credit for recognizing that climate change is not merely a physical threat, but also a psychological one. For example, extreme flooding (such as in Limburg in 2021 and Enschede in 2024) resulted in severe long-term stress, anxiety, and trauma, which are exacerbated by post-disaster financial and legal issues, and the fear of recurrence. NAS'26 also notes that involuntary admissions to psychiatric facilities increase significantly during heatwaves. It also acknowledges that climate adaptation measures, particularly urban greening, have directly positive effects on mental health, sleep quality, and stress reduction.

However, reference to spiritual health is completely missing in NAS'26. For many communities, mental health is inextricably linked to spiritual and cultural well-being, particularly in relation to the natural

[48] UN Committee on Economic, Social and Cultural Rights, 'General Comment No 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development' (2025) UN Doc E/C.12/GC/27 paras 69-70
[49] RIVM, Ook in week na hitteperiode eind juni meer sterfgevallen dan verwacht, 15 July 2026
[50] Kennisprogramma Zeespiegelstijging accessed 19 July 2026

environment and ancestral lands. The omission of spiritual health is particularly damaging to the Caribbean Netherlands (Bonaire, Saba, and St. Eustatius). As examined in the Bonaire case (noted above), for these island populations, the rapid destruction of ecosystems goes far beyond economic loss. It constitutes a profound spiritual and cultural rupture with the sea and the land. By failing to address how environmental degradation impacts the spiritual practices, identity, and cultural heritage of its Caribbean citizens, the Dutch state falls short of its obligations under ICESCR Article 12 (right to health), Article 15 (the right to participate in cultural life), and ICCPR Article 27 (the protection of minority cultural rights). The NAS'26 approach appears to reflect a model of health that fails to treat humans as holistic, culturally-situated beings. As noted below in the context of social capital, NAS'26 also fails to acknowledge that in many contexts faith-based, spiritual, and religious communities are among the strongest and most resilient pillars of social infrastructure during crises. **By including resilience and acknowledging the spiritual dimensions of community coping mechanisms, NAS'26 can tap into a potentially cost-effective, culturally competent avenue for climate-related adaptation.**

While NAS'26 does not address people with disabilities directly, it refers to people in vulnerable positions, and with less adaptive capacity. It is not stated whether the NAS'26 civil society sounding board included representatives of people with disabilities. Nor is it stated whether the Social Impact Assessment undertaken by the Dutch Climate Research Initiative included the concerns of people with disabilities (both initiatives are noted in section 1.5). **The NAS'26 should be explicit about the meaningful involvement of people with disabilities to comply with its CRPD obligations.**

The obligation to utilize the 'maximum available resources' to advance the right to health in the ICESCR (art. 2) applies to both financial and societal resources. As noted, the human right-based approach emphasises the participation of communities in climate action, including in designing and implementing adaptive responses to climate change. In this context, social resilience is key, and is grounded in social networks, also referred to as social capital. It is useful to distinguish social capital from physical infrastructure.

- ➔ Infrastructure: The physical, material places that shape our interactions. Examples include libraries, parks, shaded squares, and municipal community centers. They are the spatial conditions that make community life possible.

- ➔ Social capital: The web of relationships, trust, mutual obligations, shared values, and social networks that exist among the people inside those spaces. Social capital reflects the capacity of a community to organize, communicate, and look out for one another without state intervention.

For example, a shady park is unhelpful during a heatwave if an isolated, elderly resident lacks the social capital—the neighborly trust or community volunteer network—needed to help them leave their hot apartment and get to that park. Similarly, the NAS'26 cites behavioral campaigns ("Heat: Keep a Cool Head" in Heerlen, p. 41) but these may assume that individuals are able to act in isolation. Three types of social capital have been identified:[51]

- ➔ Horizontal ties within communities (Bonding Social Capital): These include membership of e.g., community associations, religious and sporting organisations.

[51] Azad, M. J., & Pritchard, B. (2023). Bonding, bridging, linking social capital as mutually reinforcing elements in adaptive capacity development to flood hazard: Insights from rural Bangladesh. *Climate Risk Management*, 40, 100498. https://doi.org/10.1016/j.crm.2023.100498

- ➔ Ties between diverse groups (Bridging Social Capital): This connects different communities, combining diverse perspectives and resources. In an emergency, bridging capital allows different neighborhood associations, youth groups, and local businesses to coordinate resources, share emergency kits, and distribute food.

- ➔ Ties to authority and government (Linking Social Capital) For example, these connections allow community groups to access funding for social programmes and to propose physical infrastructure improvements (like tree planting) in their neighborhoods.

Houses of worship (churches, mosques, temples) are examples of places where infrastructure (the physical building) and social capital (the spiritual congregation) are integrated. There are other sources of social capital in the Netherlands. With over 4 million citizens registered in over 22,000 sports clubs (*sportverenigingen*), these organizations represent networks of trust, communication, and multi-generational contact. For example, during the COVID-19 pandemic, some clubs became social lifelines. A clubhouse can also be a place of psychological comfort and trust. During emergencies, these facilities—sometimes equipped with kitchens and large indoor spaces—could serve as local cooling zones or food and water distribution points, staffed by self-organized club volunteers. A club's phone tree or volunteer network can actively monitor vulnerable members. Reference should be made to engagement with such social networks, including through the Health and Active Living Agreement (Gezond en Actief Leven Akkord, 138).

NAS'26 is framed as a 'voluntary national programme' (p 9) but **health cannot be protected adequately by discretionary, fragmented local policies**. Political factions in local councils may resist their obligations to instigate local climate adaptation. However, it is not acceptable for residents in one municipality to benefit from shade networks, natural water retention and retrofitted social housing while residents in another municipality risk exposure to excessive heat and flooding. **There is also a gap between acknowledgment and commitments to legally-mandated, resource-backed implementation.** For example, while monitoring is critical, the NAS'26 proposes only that 'In 2027, the RIVM will submit a proposal for a climate, care and health monitoring system' (p 27). Yet there is no commitment in the NAS'26 to urgently funding and implementing this facility. However, the Vienna Convention on the Law of Treaties (art. 27) provides that a State cannot invoke its internal law or domestic division of powers (such as municipal autonomy) to justify its failure to perform an international treaty obligation. The State remains directly liable for resulting violations of the right to health, even when implementation is lacking on a municipal level.

Further, **adaptation solutions must be viewed holistically and consistent with broader climate and environmental goals**. For example, NAS'26 should acknowledge the environmental imperative to reduce single use plastic consumption. The initiative to hand out (single use) bottled water to elderly people (p 41) should consider the critical issue of plastic waste. Far better to provide reusable, non-toxic bottles and increase access to public water fountains to refill them.

D. VULNERABLE GROUPS AND CLIMATE RISKS

Climate change is a threat to human rights. In particular, it affects vulnerable groups such as 'women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples, children, older persons, and persons with disabilities'[52] (SECTION D.1 and D.3). In addition, it entails a responsibility of States towards both present and future generations (SECTION D.2). Within environmental law, the importance of future generations has traditionally been cited as an obligation of the State. For instance, the ICJ previously considered that environmental obligations 'represent the living space, the quality of life and the very health of human beings, including generations unborn'.[53]

D.1 Women and girls

Just as the impacts of the COVID pandemic were more severe for the most marginalised in our communities, the climate crisis will be the same. In fact, in all of the climate change scenarios, "the worst affected are the least well-off members of society."[54] This is already apparent from the case law on climate change brought before human rights bodies by, for example, refugees (*Teitiota*); Indigenous people (*Billy*); children (*Sacchi* and *Duarte Agostinho*); people with chronic health conditions (*Mullner*), and elderly women (*KlimaSeniorinnen*). In this section we address the gendered impacts of climate change on women. While the draft NAS'26 does refer at times to 'vulnerable groups', rarely does it focus specifically on women and their experiences and needs regarding climate change.

Studies have documented the impact of climate change on diverse issues such as maternal mortality, menopause, and even an increase in female circumcision (FGM). **While experiencing biological differences, women and girls also face significant climate risks and burdens due to long-standing social inequalities.** For example, women may have less control over the decisions that impact their lives, have less access to resources, education, health services, technology, etc.[55] Frequently cited examples include the UN's estimation that some 80 per cent of people displaced by climate change are women.[56] It is also well documented that women and girls face heightened risks of sexual and gender-based violence due to the impacts of climate change. According to the UN Committee on the Elimination of Discrimination against Women (CEDAW), "domestic violence, early and/or forced marriage, trafficking in persons and forced prostitution are also more likely to occur during and following disasters".[57] A Spanish study linked heatwaves with a dramatic 40 per cent increase in risk of femicide.[58]

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[52] Resolution 76/300 of the United Nations General Assembly (28 July 2022), *The human right to a clean, healthy and sustainable environment, UN Doc* A/RES/76/300, p. 2.
[53] Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226, para 29.
[54] Philip Alston, report of the special rapporteur on extreme poverty and human rights, *Climate Change and Poverty* (17 July 2019) A/HRC/41/39, para 7.
[55] UN CEDAW Committee, General Recommendation no 37 on gender-related dimensions of disaster risk reduction in a changing climate (2018) CEDAW/C/GC/37, para 3.
[56] https://www.ohchr.org/en/stories/2022/07/climate-change-exacerbates-violence-against-women-and-girls
[57] UN CEDAW Committee, General Recommendation no 37 on gender-related dimensions of disaster risk reduction in a changing climate (2018) CEDAW/C/GC/37, para 5; UN CEDAW General Recommendation no 35 on gender-based violence against women (26 July 2017) CEDAW/C/GC/35, para 14.
[58] Belen Sanz-Barbero, Cristina Linares et al, 'Heat wave and the risk of intimate partner violence', *Science of the Total Environment* 644 (2018) p. 415.

These statistics are particularly concerning given the present heatwave across Europe. Due to intersectionality, women who are also Indigenous, racialised as black, or have disabilities etc, are impacted in other often greater ways. As such, it is clear that climate change is far from being "gender neutral".[59]

Due to a lack of research, we do not have a complete understanding of the gendered impacts of climate change and lack the necessary resources for addressing the underlying structural causes. This is likely related to the fact that women are under-represented in governmental decision-making bodies – despite their right to participate. **Under international law, women have the right to equality with men and to participate in political and public life and decision-making at both the national and international level.**[60] The UN Committee monitoring the implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) confirmed that women "have the right to equal and inclusive representation in all decision-making systems on equal terms with men", which it defines "as parity 50:50 between women and men in all their diversity in terms of equal access to and equal power within decision-making systems".[61] These rights to equal representation and participation extend explicitly to the climate crisis.[62]

Further concerning is the fact that women's representation, when present, tends to be concentrated in topics traditionally/stereotypically associated with their gender – and not in fora relating to financial and technical matters like climate change adaptation.[63] This is found also at the European level, with a 2024 report finding that "women were more likely to be given socio-cultural portfolios such as health, education or social affairs."[64] **The Dutch Government should ensure that women are equally represented alongside men on all climate related decision-making bodies.** To complement this, the CEDAW Committee also recommends that States "[i]nstitutionalize safe and independent regular consultations with women's and girls' NGOs" including on challenges like the environment.[65]

Recognising all of the above, **it is essential that the specific situation vulnerabilities facing women are not treated in isolation.** According to the CEDAW Committee, discrimination against women can also intersect with other forms of discrimination, "including based on race, ethnicity, indigenous status, religion or belief, health, status, disability, age, class, caste, sexual orientation and gender identity,

[59] https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected

[60] See articles 2(1), 3, and 25 *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; See articles 7 and 8 *Convention on the Elimination of All Forms of Discrimination Against Women* (adopted 18 December 1979) UNTS vol. 1249.

[61] CEDAW General recommendation No. 40 on equal and inclusive representation of women in decision-making systems (23 Oct 24) CEDAW/C/GC/40 paras 1 - 2.

[62] UN CEDAW Committee, General Recommendation no 37 on gender-related dimensions of disaster risk reduction in a changing climate (2018) CEDAW/C/GC/37, para 8.

[63] UNFCCC report by the secretariat, Gender Composition and progress on implementation, FCCC/CP/2022/3 (26 Aug 2022) para 35.

[64] Ionel Zamfir, European Parliament, Briefing: Women in politics in the EU State of play in 2024 (March 2024) p 4

[65] UN CEDAW General recommendation No. 40 on equal and inclusive representation of women in decision-making systems (23 Oct 24) CEDAW/C/GC/40 para 41(b).

political opinion, national original, marital and/or maternal status, socioeconomic status, refugee, asylum-seeking, displaced and migratory status".[66]

D.2 Children

Despite being one of the groups most acutely affected by climate change, children and young people are not mentioned in the NAS'26. This is an unfortunate oversight; not only will children be affected disproportionately across the course of their lives, as the effects of climate change are set to intensify in the future, but they are also uniquely vulnerable to the impacts of climate change. Children experience the impacts of climate change environmental degradation, differently than adults including: water scarcity; food insecurity; zoonotic, vector-borne and water-borne diseases; the intensification of air pollution; and, physical and mental trauma linked to both sudden- and slow-onset events.[67] This is owing to their physiological and psychological vulnerabilities. For example, children's lungs and immune systems are still developing, making them particularly vulnerable to air pollution - they breath twice as fast (taking in more air per unit of body weight compared to adults) and have smaller airways, making them more susceptible to blockages, infections, and lifelong complications.[68] Beyond the direct physical impact on children's bodies and minds, climate change has broader implications for their well-being and creates a 'crisis on many fronts'.[69] For instance, damage or destruction to infrastructure can impact on children's access to education and healthcare, or, climate induced forced migration and displacement (and disruptions to institutional protections) put children at risk of exploitation, labour, and abuse.[70] These risks are all heightened for the Caribbean small island states that comprise the Kingdom of the Netherlands, as well as the special municipalities of Bonaire, Saba, and Sint Eustatius, which are in a region highly vulnerable to sea level rise and higher temperature increases.

The Netherlands, as a State party to the UN Convention on the Rights of the Child (UNCRC), has a great number of positive obligations to ensure children's rights, with General Comments from the Committee on the Rights of the Child (CRC) elaborating on these obligations to children in the specific context of climate change and environmental degradation (General Comment No.26).[71] UNICEF has published a report mapping how the climate crisis impacts on children's rights cross-cuttingly, and this is further re-enforced by the CRC's General Comment No. 26.[72] here, the Committee underscores that the **right to a clean, healthy and sustainable environment is 'implicit in the Convention** and directly linked to, in particular, the rights to **life, survival and development,** under article 6, to the **highest attainable standard of health**, including taking into consideration the dangers and risks of environmental pollution, under article 24, to an **adequate standard of living**, under article 27, and to **education**, under article 28, including the development of **respect for the natural environment,** under article 29'.[73] Given the cross cutting impact of climate change on children' s rights, 'environmental

[66] CEDAW General recommendation No. 40 on equal and inclusive representation of women in decision-making systems (23 Oct 24) CEDAW/C/GC/40 para 27.
[67] CRC, General Comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change (22 August 2023) UN Doc CRC/C/GC/26., ('CRC General Comment No. 26 (2023)'), paras 40 and 41.
[68] UNICEF, 'The climate crisis is a child rights crisis - Introducing The Children's Climate Risk Index' (2021) <UNICEF-climate-crisis-child-rights-crisis.pdf> accessed 18 July 2026 ('UNICEF Climate Report (2021)'), p. 50.
[69] UNICEF Climate Report (2021), pp. 111-114.
[70] UNICEF Climate Report (2021), pp. 110-111.
[71] CRC General Comment No.26 and 15.
[72] UNICEF Climate Report (2021), pp. 111-114
[73] CRC General Comment No. 26 (2023), para 63.

decisions generally concern children, and the best interests of the child [should] be a primary consideration in the adoption and implementation of environmental decisions' (Article 3 UNCRC).[74] 'States should not only protect children against environmental harm, but also ensure their well-being and development, taking into account the possibility of future risk and harm'.[75]

Young people from around the world were involved in bringing a petition before the CRC to ; *Sacchi, et al. v. Argentina, Brazil, France, Germany and Turkey*. Ultimately, the CRC decided that their complaint was inadmissible due to lack of exhaustion of domestic remedies.[76] However, applicants were able to state their claims in some detail and the CRC determined that: (1) applicants demonstrated an impairment of their Convention rights, for the purposes of establishing jurisdiction, as a result of the State parties' acts or omissions regarding the carbon emissions originating from within its territories which was reasonably foreseeable; and (2) "prima facie established that they have personally experienced a real and significant harm in order to justify their victim status".[77] The Committee re-iterated that **'failure to take measures to prevent foreseeable human rights harm caused by climate change (...) could constitute a violation of States' human rights obligations'**.[78] Whilst this petition was focused on States' mitigation obligations, there are definite implications for States' adaptation obligations as well. With regard to the foreseeability of climate harms, as demonstrated by a wealth of scientific evidence and research,[79] States should adopt preventative adaptation measures that are long term, increase resilience, and based on projected climate conditions. Additionally, the Netherlands should be actively assessing climate risks and identifying where children are particularly vulnerable (whether due to geographic location, or heightened vulnerabilities due to underlying health conditions, belonging to minority populations, or living in poverty) and heightened support is needed.

Recommendations in light of the child rights obligations of the Netherlands

The remaining paragraphs of this section delineate several recommendations for better incorporating the Netherlands' child rights obligations into NAS'26. First of all adopting a child-rights approach, where the best interests of the child is a core consideration in adaptation decision making and plans, is crucial. To implement this, incorporating child rights impact assessments into adaptation policies, and planning and monitoring is important. As is designing child specific adaptation measures across the different sectors addressed in NAS'26, as well as adopting child specific indicators for monitoring progress of adaptation plans. Moreover, climate adaptation plans should reflect that climate impacts are not experienced by all in the same way. States have an obligation to ensure protection against direct and indirect environmental discrimination.[80] In order to do so, collecting 'disaggregated data to identify the differential effects of environment-related harm on children and to better understand intersectionalities, paying special attention to groups of children who are most at risk' is required.[81] Special measures and policies may be required for: children living in poverty; children with disabilities; migrant and refugee children; children in Caribbean Netherlands, Aruba, Curaçao, and Sint Maarten; and, children living in

[74]CRC General Comment No. 26 (2023), para 16.
[75]CRC General Comment No. 26 (2023), para 17.
[76] UNCRC, Communication No.104/2019, Sacchi, et al. v. Argentina, et al. (2021) UN Doc CRC/C/88/104/2019, online:<https://juris.ohchr.org/casedetails/2952/en-US > accessed 7 July 2026, ('Sacchi, et al. v. Argentina, et al. (Decision of 2021)'), paras 10.15-10.20.
[77] Sacchi, et al. v. Argentina, et al. (Decision of 2021) paras 10.02-10.14.
[78] Sacchi, et al. v. Argentina, et al. (Decision of 2021) para 10.6.
[79] In the specific context of children, UNICEF has compiled a report on the child rights implications of climate impacts, see generally: UNICEF Climate Report (2021).
[80] CCRC General Comment No. 26 (2023), para 14.
[81] CRC General Comment No. 26 (2023), para 15.

climate-vulnerable neighbourhoods. Adaptation funding should be prioritised for ensuring those who are most vulnerable to climate impacts.

As mentioned, child specific adaptation measures are necessary across the different sectors. For **Education** (as protected under Articles 28 and 29(1)(e) UNCRC) this could include ensuring schools have flood resilient infrastructure, adopting indoor temperature standards that reflect infants and schoolchildren's vulnerability to heat stress, and designing programmes to ensure continuity of education during disasters or extreme weather.[82] Alternatively for **Urban Planning**, child specific adaptation measures could include, shaded playgrounds, access to third-spaces that are cool during heatwaves (such as community centers or libraries), and pedestrian and bike routes to schools, and ensuring that 'schools and alternative learning facilities are located at safe distances from sources of pollution, flooding, landslides and other environmental hazards'.[83] Regarding Housing, this should be 'sustainable and resilient and should not be built on polluted sites or in areas facing a high risk of environmental degradation. **Homes and Housing** (Articles 26 and 27 UNCRC) should have safe and sustainable sources of energy for cooking, heating, lighting and appropriate ventilation and be free from mould, toxic substances and smoke'.[84] This may involve adopting minimum standards for protecting children from damp or mold, flooding, overheating, or ensuring adequate heating in colder spells. Turning to the **Health** (Article 24 UNCRC) sector, it should be recognised that 'health protection also applies to the conditions that children need to lead a healthy life, such as a safe climate, safe and clean drinking water and sanitation, sustainable energy, adequate housing, access to nutritionally adequate and safe food and healthy working conditions'.[85] Ensuring these determinants of health as the climate crisis intensifies will require adapting, and fortifying existing infrastructure beyond hospitals and the healthcare systems alone. In the provision of services, heat-health action plans for children should be developed. As children are particularly vulnerable to heat, providing education or information on heat exhaustion and heat stroke symptoms and treatment to parents, caregivers, educators/teachers could also be a relevant adaptive measure. Additionally, equipping health care services to provide mental health support to cope with 'children's current and anticipated psychosocial and mental health conditions caused by environmental harm, including climate change-related events' is key.[86] 'The clear emerging link between environmental harm and children's mental health, such as depression and eco-anxiety, requires pressing attention, both in terms of response and prevention programmes, by public health and education authorities'.[87]

Consultation with children should be done in a child-friendly manner. **Participation is a particularly pertinent issue for children**, as they are already excluded from formal political participation through local and national elections. The foundation for facilitating participation is ensuring access to information for children (Articles 13 and 17 UNCRC). 'Children have the right to access to accurate and reliable environmental information, including about the causes, effects and actual and potential sources of climate and environmental harm, **adaptive responses**, relevant climate and environmental legislation, regulations, findings from climate and environmental impact assessments, policies and plans and sustainable lifestyle choices'.[88] To fulfill these obligations, the Dutch government should consider: developing child friendly climate risk communications; developing climate education materials that are

[82] CRC General Comment No. 26 (2023), paras 55-56.
[83] CRC General Comment No. 26 (2023), para 55.
[84] CRC General Comment No. 26 (2023), para 48.
[85] CRC General Comment No. 26, para 43.
[86] CRC General Comment No. 26 (2023), para 41.
[87] CRC General Comment No. 26 (2023), para 41.
[88] CRC General Comment No. 26 (2023), para 33.

commensurate with differing ages and levels of development; and, ensuring that information is available in accessible formats and multiple languages (for instance, in Dutch, Papiamentu, and English).[89]

In developing NAS'26, consultation with children should have been undertaken, as part of their right to be heard (Article 12 UNCRC). Children have the right to participate in decisions affecting them, in a way that is commensurate with their age and level of development. 'Children identify environmental issues as being highly important to their lives', and 'their views add relevant perspectives to decision making on environmental matters at all levels'.[90] Accordingly, to facilitate meaningful participation for children: 'States must ensure that age-appropriate, safe and accessible **mechanisms are in place for children's views to be heard regularly and at all stages of environmental decision-making processes** for legislation, policies, regulations, projects and activities that may affect them, at the local, national and international levels'.[91] **Additional support and special strategies may be required to enable and empower participation for children from disadvantaged groups**, including children with disabilities, children from minority groups, and children living in vulnerable areas.[92] Finally, there should be feedback mechanisms in place to provide information about the 'outcomes of environment-related consultations and feedback on how their views were taken into account'.[93] To provide fora, as well as resources and a supportive and enabling environment for participation, the Dutch government could **consider including schools and local youth groups in adaptation planning**. This would also increase access for children from different backgrounds.

[89] CRC General Comment No. 26 (2023), para 34.
[90] CRC General Comment No. 26 (2023), para 26.
[91] CRC General Comment No. 26 (2023), para 27.
[92] CRC General Comment No. 26 (2023), para 26.
[93] CRC General Comment No. 26 (2023), para 27.

E. CONCLUSIONS

Human rights law sets out the minimum standards for States to comply with in order to realise rights and ensure human dignity. As a State party to all treaties addressed above, the Dutch Government and all its legislative and executive bodies are obliged to comply with these international human rights standards. However, as a wealthy country with significant expertise and capacity, as well as significant vulnerability to climate change, we encourage the Dutch Government to also go beyond these standards in order to deliver the best possible adaptation strategy. By expressing the value and concrete effects of different human rights obligations, NAS'26 can be modeling a human rights-based approach to climate change for other States to follow.

Based on various international legal bodies implementing climate change obligations for States (i.e. European Court of Human Rights, International Court of Justice) **the regulatory framework for climate policy requires international climate agreements and human rights obligations to be translated into national legislation.** Therefore, when drafting climate policy, the Dutch government must take into account the international and national developments in the field of human rights, environmental law and climate law, as well as the close link between environmental protection and human rights as part of the (international) legal context.

The National Climate Adaptation Strategy 2026 (NAS'26) outlines pathway maps to monitor varying rates of climate change and thus aims to give concrete shape to these choices. However, it functions largely separate from the strict, legally binding emission-reduction targets of the Dutch Climate Act (Klimaatwet). We stress that under the human rights framework, adaptation measures cannot be taken in isolation from mitigation measures. Consequently, **NAS'26 must be fully integrated with the State's mitigation framework**, prioritizing synergetic policies that simultaneously reduce vulnerability and lower emissions.

In expressing the human rights obligations under international legal frameworks in NAS'26, the government should **provide local authorities with the funds, means and methods to implement their (international) obligations** to give effect to the national climate adaptation strategy. The government should also provide for **a legal mechanism that allows NGOs, individuals or vulnerable groups to hold public authorities legally accountable if (local) adaptation measures fail to meet the 'effective protection' standard**. The State should also take precautions via adaptation measures to ensure that they do not violate the civil and political rights of people both in the European and Caribbean parts. This would also indicate the **procedural obligation to protect the rights of minorities to 'effective participation'** when deciding upon their living conditions and livelihood, especially in the Caribbean parts of the Kingdom.

Based on international human rights and climate obligations for States, we draw special attention to the rights for minorities, the right to health, the rights of women and children, and the protection of (other) vulnerable groups. **For each of these minorities and vulnerable groups, we stress that they should be well represented in all climate decision-making bodies and consultation groups, since representation of their interests is vital to their protection in the NAS'26 climate change strategy.** While experiencing biological differences, women and girls also face significant climate risks and burdens due to long-standing social inequalities. Under international law, women have the right to equality with men and to participate in political and public life and decision-making at both the national and international level. **Participation is a particularly pertinent issue for children**, as they are already excluded from formal political participation through local and national elections.

The human right-based approach emphasises the participation of communities in climate action, including in designing and implementing adaptive responses to climate change. **Climate change mitigation, alongside adaptation, is essential to longer term human health and survival in the Netherlands.** In this, social infrastructure and health safeguards require a top-down infrastructure that has to take effect on the local level. Social resilience is key, and is grounded in social networks, also referred to as social capital. However, NAS'26 fails to acknowledge that in many contexts faith-based, spiritual, and religious communities are among the strongest and most resilient pillars of social infrastructure during crises. **By including resilience and acknowledging the spiritual dimensions of community coping mechanisms, NAS'26 can tap into a potentially cost-effective, culturally competent avenue for climate-related adaptation.**

E.1 Recommendations

1. **Integrate the adaptation strategy with the State's mitigation framework.**
2. **Ensure the legal status of NAS'26, accompanied by a legal mechanism that allows for private parties to hold public authorities legally accountable if (legal) adaptation measures fail to meet the 'effective protection' standard.**
3. **Provide municipalities and local authorities with a financial fund to implement the international climate obligations of the Kingdom of the Netherlands.**
4. **Ensure equal representation of men and women in all bodies relating to climate change, especially decision making bodies.**
5. **Facilitate and ensure meaningful consultation on the NAS'26 with women, children, indigenous people, those with disabilities, those without housing, racialised groups, elderly etc.**
6. **Identify and support civil society organizations, including faith, community and sports groups, including in marginalized and migrant communities, to facilitate community responses to both climate change adaptation and mitigation.**
7. **Significantly increase consultation and participation of most affected groups, including people living in the Caribbean Netherlands and children.**
8. **Set aside funding in connection with the NAS'26 to enable ongoing research into the impacts of climate change especially upon vulnerable groups including women and girls**
9. **Significantly increase financing to build climate-resilient health systems that address the needs of women and girls and other vulnerable groups**