

2016 Day of General Discussion
"Children's Rights and the Environment"

Written Contribution by the National Coalition Germany - Network for the Implementation of
the UN Convention on the Rights of the Child

I. Preface

"Children's Rights and the Environment" is an overarching topic with long-term effects for adolescent and future generations. The right to grow up healthily is not summarized by a single article of the UN Convention on the Rights of the Child (UNCRC). The National Coalition has been using the term "ecological children's right" since as early as 1999 to describe the right of every child and adolescent to grow up in a healthy, sound environment that allows them to live healthily and develop their full potential.¹ By signing the UNCRC, the member states agreed to enforce the rights stated in the Convention. These include providing conditions for a healthy childhood.

a) **General Comment on Ecological Children's Rights.**

The General Comments of the UN Committee offer valuable guidelines to governments and civil societies on the practical implementation of children's rights. They provide a benchmark for the evaluation of the progress in implementing the Convention on the Rights of the Child and are seen as highly authoritative. The National Coalition Germany recommends issuing a General Comment on "Children's Rights and the Environment" to the UN Committee on the Rights of the Child. Such an interpretation aid would serve as an important instrument for action, as no specific UNCRC article on ecological children's rights exists and many articles have to be consulted to interpret the UNCRC in relation to growing up in a healthy and sound environment. A General Comment would ensure that many individual aspects could be considered together in realizing ecological children's rights and allow civil societies to notify their governments of any violations.

b) **Children's Interests and the Implementation of the UN 2030 Agenda**

In September 2015, the United Nations (UN) decided on its global Sustainable Development Goals (SDGs) in New York. All member states agreed to implement the UN 2030 Agenda. It is an important instrument for realizing ecological children's rights. "Generational fairness, quality of life, social solidarity and international responsibility—these are the guidelines for the sustainability strategy. The goal is to reconcile economic with ecological and social interests".² These also include the interests of children, which must also be considered in this process. The National Coalition Germany recommends that the UN Committee on the Rights of the Child pick up its Sustainable Development Goals which include a broad spectrum of children's rights issues in a General Comment on ecological children's rights.

II. Ecological Children's Rights—A Broad Field

Ecological children's rights are not summarized in a single specific UNCRC article, but appear in several articles. Article 3 Paragraph 1 UNCRC determines that, for any measures concerning children, the "best interests of the child" must be of a primary concern. Article 3 Paragraph 1 UNCRC determines that, for any measures concerning children, the "best interests of the child" must be of a primary concern. Article 4, Article 6, Article 12 Article 19, Articles 24, 27, Article 28 and 31 all relate to ecological rights in various dimensions.

In Germany, Article 20a of the Basic Law of the Federal Republic of Germany includes protection of the "natural foundations of life" with "responsibility towards future generations." Section 1 Paragraph 3 No. 4 of the German Eighth Social Security Statute Book states that positive living conditions for young people and their families and a child and family-friendly environment must be created and maintained.

III. Growing Up in a Healthy Environment

Despite the ratification of the UN Convention on the Rights of the Child and statements in the Basic Law of the Federal Republic of Germany and the German Social Security Statute Book, ecological children's rights are still being limited on several levels in Germany, both on the macro level, i.e., globally "on the whole," on an international level and on the micro level, i.e., locally in children's and adolescents' daily lives.

a) Macro Level Obstacles

A good physical and psychological constitution, minimizing health risks and adequate care for children with health issues are crucial for a healthy childhood and the positive development of children and adolescents. Environmental pollution and climate change are increasingly jeopardizing the success of implementing human and children's rights.

Due to their not-yet fully developed immune and nervous systems, children and adolescents are especially threatened by environmental pollution and catastrophes. No longer do acute physical diseases, but increasingly chronic, psychiatric and psychosomatic ailments and unhealthy lifestyles provide increasing reason for concern in Germany. A growing number of children, especially younger children, suffer from chronic diseases.³ Ongoing emissions of pollutants, also into the food chain, weaken children's immune systems, resulting in allergies and illnesses for their not-yet fully developed bodies.⁴

The effects of climate change, floods or extreme weather fluctuations often force children to leave their familiar environments. German developmental cooperation is based on the principle of ethic responsibility and international solidarity. Germany must therefore contribute to sustainably improving global economic, social, ecological and political situations.⁵

Loss of livelihood accompanies the impoverishment of families, further limiting the children's rights stated in the Convention, such as growing up healthily and safely and receiving a good education. This increasingly affects Germany and other EU countries, especially the children coming to Germany from crisis-stricken regions.

b) Growing Up Healthily—Micro Level Obstacles

Whether children grow up healthily depends on several factors: The situation of their family, daycare center, school and their social and living environment, but also on being treated and participating as legal entities.

Disruptions to early parent-child bonding and regulation, through illnesses, such as allergies, lack of exercise, obesity and emotional development and behavioral problems, are factors that prevent a healthy childhood. Growing up healthily includes receiving balanced, healthy and fresh food, taking trips into nature, etc.⁶ Numerous studies prove that a strong relationship exists between socio-economic status and life satisfaction, physical and psychological health, the relationship to one's parents, attachment figures, friends, teachers and, not least, scholastic success.⁷

Allergy-related illnesses are among the most common health afflictions of children and adolescents. Especially atopic illnesses, asthma, hayfever and eczema usually manifest themselves in infancy or early childhood.⁸

The increase in psychological illnesses with the onset of school age is alarming.⁹ As a living environment, schools can negatively impact the right to growing up healthily.¹⁰ In recent years, surveys have consistently found that children feel more comfortable among their family and friends than in school.¹¹ Educational research demands increased participation possibilities in schools. Self-efficacy, developing self-esteem and self-consciousness and personal and social skills are seen as key factors to providing young people with the potential for creating a "good life." "Valuing one's own opinion comes from daily participatory experiences".¹²

National and international studies, such as the German World Vision 2010 Children Study, note the significant relationship between psychological well-being, psychosomatic symptoms and feeling comfortable in school.

IV. Making Changes Towards a Child-Friendly Environment

Children and Human Rights-Oriented Environmental Education

Environmental education includes environmental learning, ecological, nature and forest pedagogics, ecological learning, nature sensitization and experiences, and other terms.¹³ Environmental education is an important educational task for every institution, such as daycare centers, pre-schools, schools and extracurricular youth education. According to the 13 December 2012 report from the German Education Ministers Conference on the situation of education for sustained development, education is seen as an "important priority," but is implemented very differently among countries.¹⁴

According to the 2014 Environmental Awareness Study,¹⁵ environmental knowledge is transmitted insufficiently at most schools in Germany. Natural and social science classes in particular offer reference points for environmental and environmental protection topics, but are not yet utilized sufficiently in terms of their current importance, interesting approaches, solution orientation or teaching competency. Young people's valuable potential is not being used, as the study also shows that young people are actually quite committed to environmental and natural protection.¹⁶

Currently, 9% of those between the ages of 14 and 25 state that they are actively involved in environmental and natural protection. General interest is at 50%—many young people stated that they could imagine getting involved. Topics and activities related to everyday life that can be completed within one's own time budget are especially appealing to young people.¹⁷

Right to Participate

Children and adolescents have a right (Article 12 UNCRC) to contribute its ideas and actions for shaping the world and the environment. Although they are the largest group, students have less and less say in school. More than half the surveys of the first children and adolescent reports from 2010 prove that students' participation rights are "sometimes" or "often violated". "Students' suggestions for improving the school are most often about participation and the students could—as proven by the surveys themselves—use their special expertise to contribute to all school topics.¹⁸ According to the study conducted by the Fokus in 2012, over 80% of those aged 13 to 19 find it important or very important to contribute to environmental protection themselves.¹⁹

Realizing participation rights should be mandated by law. Lower Saxony and Schleswig-Holstein's municipal codes require participation of children and adolescents. According to Schleswig-Holstein's municipal code, "plans and proposals affecting interests and plans must provide adequate participation. Communities must develop suitable processes through the participation of its inhabitants, according to Sections 16a to f".²⁰ Additionally, when implementing plans and proposals affecting the interests of children and adolescents, it must be explained how these interests are being considered and the participation required by Paragraph 1 implemented.²¹

Providing Environmental Experience, Games and Free, Self-Determined Time

Children and adolescents need free time to grow up and develop well. Nature, relaxation, free play and movement are basic needs. City and regional planning must consider access to various play spaces and free zones for children and youth.²² Experiences with nature and the environment do not play a very important role in the daily lives of young people. According to the EMNID study conducted in 2015, children lack contact with nature. "Due to the continuous urbanization of life, parents find it increasingly difficult to find spaces in which their children can realistically come into contact with the forest and the soil".²³ Increasing performance and educational pressures and uncertain job prospects are ongoing challenges.²⁴ "I never have time to play with my friends, because I either have too much homework, have to study or am too sick from all this school stress".²⁵

V. Need and Steps for Action

Environmental Protection is a Political Topic of Children and Adolescent Interests.

This is confirmed by several surveys, such as the die Greenpeace study "Nachhaltigkeit bewegt die Jugend"[Sustainability interests adolescents].²⁶ According to the study, adolescents do not question the importance of a sustainable society. They are concerned about how it can be implemented. As a co-responsible consuming, but burdened and future adult generation, children and adolescents play an important part in combatting climate change, its causes and effects and in protecting natural resources. There is a need for action concerning how future generations and their interests can be better represented in the political system and how they can adequately participate in far-reaching political decisions.

The National Coalition Germany Offers the Following Recommendations and Steps for Action:

1. It recommends issuing a General Comment on children's rights and the environment to the UN Committee to provide interpretation aids for realizing ecological children's rights.
2. In implementing the 2030 Agenda and the goals for sustainable development (SDGs) in and by Germany, the interests of children and adolescents must be considered by the German Federal Government. Children's and adolescents' participation rights have only been of secondary importance, i.e., do not meet the UNCRC children's rights requirements. A qualitative update on the efforts to implement the measures described in the National Action Plan for a Child-Friendly Germany 2005-2010 on health and the environment (Chap. 2.3) must be performed.²⁷ Positive future perspectives must be developed by including children and adolescents.
3. Experiencing nature promotes understanding nature. Therefore, the National Coalition Germany recommends including a "Children, Environment, Health and Generational Fairness" module in vocational and further education curriculums to the countries and the German Education Ministers Conference.
4. The National Coalition Germany recommends ensuring fair, inclusive and children's rights based education based on human rights to the federal states (Bundesländer) and the German Education Ministers Conference. The education system must prioritize the personal development of the students, get children to participate and prevent social exclusion.
5. The National Coalition Germany recommends that the communities give more consideration to the healthy development and age-specific needs of children in communal and urban planning, the design of schools and daycare centers and in providing healthcare and recommends furthermore legally mandating participation in processes in the municipal codes of communities.
6. The National Coalition Germany recommends introducing children's welfare tests for all traffic and regional planning to the German Federal Government. Children's and adolescents' participation and co-determination rights must be considered in planning.
7. Risk assessment of pollutants must always follow Article 3 UNCRC's "best interests of the child" and their special vulnerabilities.²⁸ The National Coalition Germany recommends to the German Federal Government setting all existing and future limits according to the needs of infants/small children. Environmental impacts on the hormones, neurology, psychology and immune system of a child must be continuously assessed with gender distinctions. Anthropogenic particulates must be reduced to meet the WHO limits. The UN Committee on the Rights of the Child expressed concerns in its 2014 Concluding Observation about the negative effects of carbon emissions on children's health and criticized the lack of adequate measures taken by the member state against German companies committing human rights abuses abroad. The UN Committee was supposed to indicate to the member states through a General Comment that clear legal frameworks for industry operating in the member state are needed to ensure that it does not infringe on human rights, or threaten the environment or other human rights-related standards.²⁹
8. The preventive measures of the German Federal Government and the healthcare system for preventing allergies must be increased.
9. Reports on the relationship between global warming and illness in children and adolescents must be further investigated (World Health Organization and research).

10. The German Federal Government and the business sector must initiate research projects and information campaigns on environmental, health and consumer protection focusing on young people and cooperation, and communication through fields of action must be promoted.
11. The rights of the current younger generation and of future generations must be considered in the German Federal Government's energy and climate policies. The energy transition must be implemented decisively, i.e., renewable energy expansion must be promoted and the still-too-high shares of fossil, climate and environmentally damaging sources of energy must be reduced.³⁰
12. The well-being of future generations must be considered in the national action plan on business and human rights. Ecological children's rights and business success are not irreconcilable, but inseparable. Binding regulations are needed, Voluntary commitments are not sufficient.

List of references:

¹National Coalition für die Umsetzung der UN-Kinderrechtskonvention[National Coalition for the Implementation of the UNCRC] (1999): Volume 4 of the series UN-Konvention umsetzen...Ökologische Kinderrechte: Das Recht des Kindes auf bestmögliche Entwicklung und Gesundheit[Implementing the UN Convention . . . Ecological children's rights: The child's right to the best possible development and health]

² https://www.bundesregierung.de/Content/Infomaterial/BPA/Bestellservice/Globale_Ziele_nationale_Verantwortung_25-05-2106.pdf?jsessionid=49F9382E40637B93E44267B8AA608013.s3t1?__blob=publicationFile&v=4 p. 2

³ See also National Coalition für die Umsetzung der UN-Kinderrechtskonvention: Diskussionspapier "Kinder und Gesundheit" [National Coalition for the implementation of the UNCRC: Discussion paper "Children and health"]. Berlin 2001

⁴ See also Petition on "Umwelt und Gesundheit"[Environment and health] 2-16-18-272-005636 by the German Bundestag, 17th legislative period

⁵ See also <https://www.bmz.de/de/service/glossar/E/entwicklungszusammenarbeit.html>

⁶ The KiGGS study of the Robert Koch Institute proved that children and adolescents from socially disadvantaged families or families with immigrant backgrounds are especially affected.

⁷ See also Enderlein, Oggi: Schule ist meine Welt. Ganztagschule aus Sicht der Kinder[School is my world. All-day school as viewed by children]. Themenheft 8. <http://www.ganztaegig-lernen.de/sites/default/files/Themenheft-08-web.pdf> p. 9

⁸ See also http://www.kiggs-studie.de/fileadmin/KiGGS-Dokumente/kiggs_tn_broschuere_web.pdf and <http://edoc.rki.de/oa/articles/reanITxmpPiBk/PDF/27CDfhKBFstMs.pdf>

⁹ Recent studies, e.g., the Kindergesundheits[Children's health] survey of the Robert Koch Institute, have shown that children and adolescents suffer most from psychological strain and symptoms. See also <http://www.achtung-kinderseele.org/html/themen/psychische%20stoerungen.html>

¹⁰ See also National Coalition (2010): Ergänzender Bericht der National Coalition zum Dritt- und Viertbericht der Bundesrepublik Deutschland an die Vereinten Nationen gemäß Artikel 44 Abs. 1 Buchstabe b des Übereinkommens über die Rechte des Kindes[Supplementary report of the National Coalition on the Third and Fourth Report of the Federal Republic of Germany to the United Nations, according to Article 44(1) Letter b of the Convention on the Rights of the Child]. P. 19

¹¹ See also http://www.worldvision-institut.de/_downloads/allgemein/Kinderstudie2010_Zusammenfassung.pdf and <http://www.spiegel.de/schulspiegel/leben/stress-bei-schulkindern-ein-drittel-aller-schueler-stresst-die-schule-a-1015449.html>

¹² http://www.worldvision-institut.de/_downloads/allgemein/Kinderstudie2010_Zusammenfassung.pdf p. 12

¹³ <http://www.schuetzer-der-erde.de/umweltbildung-was-ist-das-eigentlich/>

¹⁴ See also: http://www.kmk.org/fileadmin/Dateien/veroeffentlichungen_beschluesse/2012/2012_12_13-Bericht-BNE-2012.pdf p. 5

¹⁵The in-depth report covers young people's environmental awareness and behavior. The results were compiled for the 2014 Environmental Awareness Study of the German Federal Agency for the Environment, Nature Conservation and Nuclear Safety of the German Federal Environmental Agency. Persons aged 14 and older were surveyed for this study. The most important results of this survey are presented in the basic data brochure "Umweltbewusstsein in Deutschland 2014"[Environmental awareness in Germany 2014]. The report covers attitudes and behavior of the younger generation towards the environment and their understanding of the role of nature and the environment for a good life and their requirements for environmental communication and education.

¹⁶See also in-depth report p. 15

¹⁷See also in-depth report p.14

¹⁸AGJ 2010: Erster Kinder- und Jugendreport[First report on children and adolescents]. P. 36 onwards.

¹⁹http://www.focus.de/familie/erziehung/missionieren-ja-engagieren-nein-jugendliche-und-umweltschutz_id_2416586.html

²⁰<http://www.gesetze->

[rechtsprechung.sh.juris.de/jportal/?quelle=jlink&query=GemO+SH+%C2%A7+47f&psml=bssshoprod.psml&max=true](https://www.gesetze-rechtsprechung.sh.juris.de/jportal/?quelle=jlink&query=GemO+SH+%C2%A7+47f&psml=bssshoprod.psml&max=true)

²¹ibid. and <http://www.futurepolicy.org/rights-and-responsibilities/participation-of-children-gemeindeordnung/>

²²See also

https://images.dkhw.de/fileadmin/Redaktion/1_Unsere_Arbeit/1_Schwerpunkte/4_Spiel_und_Bewegung/4.3_Studie_Raum_fuer_Kinderspiel/Erste_Ergebnisse_Studie_Mehr_Raum_fuer_Kinderspiel.pdf?_ga=1.2965872.1368653903.1401270785

²³http://www.natursoziologie.de/files/die-angst-der-eltern-kz_1506041226.pdf S. 2

²⁴See also in-depth report p. 16

²⁵https://www.kinder-jugendreport.de/documents/UN-KinderJugendreport_2010.pdf p. 34

²⁶<https://www.greenpeace.de/themen/umweltbildung/unsere-jugend-ist-umweltbewusst>

²⁷See also Bundesministerium für Familie, Senioren, Frauen und Jugend[German Federal Ministry for Families, Senior Citizens, Women and Youths]. Nationaler Aktionsplan für ein Kindergerechtes Deutschland[National action plan for a child-friendly Germany] 2005-2010. Berlin 2005. p. 38

²⁸Umwelt und Gesundheit- Risiken richtig einschätzen[Environment and health—Correctly assessing risks], Sondergutachten[Special report] SRU, 1999,

http://www.umweltrat.de/SharedDocs/Downloads/DE/02_Sondergutachten/1999_SG_UmweltundGesundheit.html

²⁹See also Concluding Observation of the UN Convention on the Rights of the Child 2014 [http://www.netzwerk-](http://www.netzwerk-kinderrechte.de/fileadmin/bilder/user_upload/Abschlie%C3%9Fende_Bemerkungen_UN_Ausschuss_f%C3%BCr_die_Rechte_des_Kindes.pdf)

[kinderrechte.de/fileadmin/bilder/user_upload/Abschlie%C3%9Fende_Bemerkungen_UN_Ausschuss_f%C3%BCr_die_Rechte_des_Kindes.pdf](http://www.netzwerk-kinderrechte.de/fileadmin/bilder/user_upload/Abschlie%C3%9Fende_Bemerkungen_UN_Ausschuss_f%C3%BCr_die_Rechte_des_Kindes.pdf) p. 6 Numbers 22 and 23. German draft.

³⁰See also [http://www.umweltinstitut.org/themen/verbraucherschutz-](http://www.umweltinstitut.org/themen/verbraucherschutz-ttip/freihandelsabkommen.html?gclid=CLTS_NS6mcECFVDItAodKFEAEA)

[ttip/freihandelsabkommen.html?gclid=CLTS_NS6mcECFVDItAodKFEAEA](http://www.umweltinstitut.org/themen/verbraucherschutz-ttip/freihandelsabkommen.html?gclid=CLTS_NS6mcECFVDItAodKFEAEA) (Retrieved 8 October 2014)