

UNICEF's written submission to the Committee on the Rights of the Child for the Day of General Discussion on 'Children's Rights and the Environment', 23 September 2016

Introduction

There is a pressing need for comprehensive debate, analysis and urgent action in relation to the impacts of environmental harm on children, and how State Parties can and should fulfil their human rights obligations in this regard.

The adoption of major international frameworks in 2015 offers a critical opportunity to promote children's rights in relation to the environment, and the Committee on the Rights of the Child's (CRC) focus on this thematic is therefore extremely timely. The Sustainable Development Goals recognize that tackling environmental issues will be central to efforts to eradicate poverty and realize human rights for all. The Paris Agreement on climate change represents the first global environmental treaty to recognize the relevance of human rights, including explicit recognition of children's rights, in the context of climate action, and the Sendai Framework for Disaster Risk Reduction incorporates the promotion and protection of human rights as one of the Agreement's Guiding Principles. As State Parties move to implement these frameworks, it is essential that their actions are guided by their child rights obligations.

This UNICEF submission focuses on challenges that children face in relation to (i) climate change, (ii) air pollution, and (iii) water security. The **impacts** of these environmental harms on children's rights are examined, as well as the role of **children as agents of change**, **States' obligations** and the **role of the business sector** in the environmental context. Where possible, case studies/examples of best practice are incorporated. Recommendations are contained in Annex I.

1) Impacts on children's rights

(i) Climate change

The CRC has recognized climate change as "one of the biggest threats to children's health",¹ as well as its adverse impact on, inter alia, the rights to education (Article 28), adequate housing (Article 27), safe drinking water and sanitation (Article 24).² Yet, children's vulnerability to climate change impacts poses an immediate and far-reaching threat to the enjoyment of many, if not all, rights enshrined in the Convention on the Rights of the Child, and notably the right to survival and development (Article 6). Children face more acute risks from climate-related disasters and slow onset events than adults due to their less developed physiology and immune systems, psychological vulnerabilities and needs in this context. The following information is by no means exhaustive:

- Rising temperatures are lengthening the transmission season and expanding the geographic range of **vector-borne diseases** such as malaria, dengue, and meningococcal meningitis. The global burden of these diseases is already concentrated on children,³ and the World Health Organization (WHO) projects that climate impacts will cause an additional 60,000 deaths from malaria among children under the age of 15 by 2030.⁴
- Drought, flooding and more irregular rainfall patterns can increase the incidence of **diarrhoeal diseases**, a major cause of mortality for children that was responsible for 530,000 deaths of children

under 5 in 2015.⁵ The WHO projects that by 2030, climate impacts will result in 48,000 additional deaths from diarrhoeal disease for children under the age of 15.⁶

- **Malnutrition** is responsible for almost half of worldwide deaths of children under the age of 5.⁷ Children are particularly vulnerable as they need to consume more food and water per unit of bodyweight than adults. For those that survive, the impacts can be lifelong. Under-nutrition during the first two years of life can lead to irreversible **stunting**, affecting both physical and cognitive development, with implications for schooling, health and livelihood.⁸ The WHO estimates that climate change will lead to nearly 95,000 additional deaths per year due to under-nutrition in children aged 5 years or less by 2030, and an additional 24 million undernourished children by 2050.⁹
- During **heatwaves**, infants and young children are more likely than adults to die or suffer from heatstroke because they are unable or lack support to regulate their body temperature and control their surrounding environment. Extreme heat not only affects children directly, but also affects them through a variety of heat-related illnesses.¹⁰
- Children are at risk of **physical and psychological trauma during and after severe weather events**, which are expected to increase in severity as global temperatures rise. Children are more likely than adults to die or suffer injuries, and in the aftermath, they are at heightened risk of exploitation, violence and abuse as a result of family separation, loss of family livelihoods and migration as families seek to cope with the impacts.

Specific threats faced by certain groups of children

Climate change exacerbates inequality and affects the most disadvantaged children most. Poor families live in more degraded areas, have less access to essential services such as water and sanitation, and have fewer resources available to cope with the impacts of climate change than their wealthier counterparts. Today, over half a billion children live in areas with extremely high risk of flooding, 115 million are at high or extremely high risk from tropical cyclones, and almost 160 million are exposed to high or extremely high drought severity. These children are primarily concentrated in Africa and Asia.¹¹ Due to several major global trends, growing numbers of children are living in disaster-prone areas and exposed to weather extremes.¹²

Climate change poses an existential threat to **indigenous children** due to their close relationship with the environment and its resources. Indigenous children's vulnerability is further exacerbated because they frequently live in areas characterized by highly climate-sensitive ecosystems and constitute approximately 15 per cent of the world's poor and one third of the 900 million people living in extreme poverty in rural areas.¹³ Loss of traditional species and land and induced migration can impact children's right to identity, including their language and culture.

Girls are disproportionately affected by the impacts of climate change, including increased incidence of trafficking as well as child marriage and prostitution in the wake of climate-related disasters as parents are forced to compensate for lost sources of income.¹⁴ In the context of drought and desertification, girls and women are forced to consume huge amounts of energy and time to find safe water, potentially exposing them to sexual violence on their journeys. This burden is also one of the main reasons why girls, especially from the poorest families, miss out on education and their right to play and leisure.¹⁵

(ii) Air pollution

Air pollution is one of the leading causes of child death in the 21st century, killing more children under 5 than malaria and HIV/AIDS combined. According to the WHO, approximately 531,000 children under 5 years old die from indoor (household) air pollution, and 127,000 children under 5 die from outdoor (ambient) air pollution every year.¹⁶

Air pollution also causes short- and long-term health complications for many more millions of children. It is very strongly associated with respiratory conditions, such as pneumonia, bronchitis and asthma, among others. Air pollution can also exacerbate underlying health issues, disrupt physical and cognitive development, and even prevent children from going to school.¹⁷ Left untreated, some health complications caused by air pollution can last a lifetime.

Outdoor air pollution is worsening in many parts of the world. As countries continue to industrialize, energy, coal and other fossil fuel use increases. A recent publication from the WHO indicates that air pollution has increased by approximately 8 per cent over the past five years.¹⁸

Protecting children from air pollution requires a four-pronged approach: a) applying greater effort to reduce air pollution; b) minimizing children's exposure to air pollution; c) improving children's overall health, so that when they are exposed to air pollution the risks of further health complications are reduced; and d) better monitoring air pollution and its link with children's health.

(iii) Water security

Water and climate variability are inextricably linked, as the effects of climate change are first felt through access to water. Flooding and storms can wash away water supplies, or leave them contaminated, putting the lives of millions of children at risk. Drought and excessive heat compound water scarcity, and can also lead to increased concentration of harmful contaminants and microbial blooms.

Many of the regions most at risk of drought and flooding already have very low levels of access to water, and the 60 million children living in these areas are extremely vulnerable. For example, in Ethiopia in 2016, the failure of two consecutive rainy seasons has devastated livelihoods and greatly increased malnutrition rates across the country. More than 5.8 million people are now in need of emergency water, sanitation and hygiene services.¹⁹

In response to climate change, equitable access to sustainable water sources must be increased, so that in times of crisis and times of stability, every child has the clean water needed to survive and grow. This will entail the integration of innovative and climate-resilient solutions into regular development programming, such as solar-powered water pumps and rainwater harvesting.²⁰

2) The role of children as agents of change

Children have a critical role to play in building their own and their communities' resilience to climate shocks and stresses, and in promoting and adopting more sustainable low-carbon lifestyles – both now and as future decision makers, teachers and parents. It is vital that they are empowered with the education, skills and means to advocate for, and effect, change. Best practice examples include:

- In Zambia, Unite4Climate is a child-led advocacy programme that empowers 11–17-year-olds in Zambia to become climate ambassadors. More than 1,000 ambassadors have reached over 1 million community members through peer-to-peer outreach and education, and implementation of low-cost community projects on climate change adaptation and mitigation. The voices of Zambian children have been raised to the national level, through engagement with government officials, members of parliament, and traditional leaders.²¹
- The Voices of Youth initiative is a collaboration between UNICEF, youth communities and local governments which has engaged young people to document the impacts of climate change and solutions by uploading them to a digital map.²² The reports serve as advocacy tools for youth activists, and as a basis for discussion in their communities.
- In 2015, more than 100 children from 12 countries attended the Children’s WASH Forum in Tajikistan, mobilizing them to advocate for world leaders to take action on climate change and water security for children. Thousands of children from around the world submitted photos for the United Nations’ 2016 World Water Day #ClimateChain campaign.²³
- In the Philippines, schoolchildren were supported to produce a film on disaster risks in their community, and to present this to local authorities. This resulted in the planting of trees to reduce risk from landslides, and relocation of a school to minimize vulnerability to flooding.²⁴

3) States’ obligations

Numerous human rights bodies have recognized that States have obligations to protect the enjoyment of human rights from environmental harm.²⁵ These obligations encompass climate change²⁶ and apply in the context of clarifying both the level and nature of action required to protect children’s *substantive* rights from environmental impacts, as well as the *procedural* duties that these substantive rights give rise to. States’ obligations apply to children in their country, but Article 24.4 and General Comment No. 5 of the Convention on the Rights of the Child also place obligations on developed countries to take action on upholding child rights in developing countries, with clear implications for trans-boundary environmental harm and climate action, including the mobilization of resources to support adaptation and constrain the impacts of their emissions across borders.

Procedural duties include:

- Assessing the impacts of environment-related harm on children, including the impacts of major activities on the climate, and environmental measures on children; this requires States to undertake appropriate monitoring and collect disaggregated information on the exposure and vulnerability of children within their territory, as well as the transboundary effects of activities;
- Ensuring access to child-friendly and language-appropriate information on environmental issues;
- Upholding children’s right to participate and be heard in environmental decision making;
- Providing access to effective and timely remedy for environment-related harms.

As an important precondition for children’s ability to exercise these procedural rights, the right to education must encompass environmental issues, including climate change. This is also a prerequisite to a child’s ability to enjoy the right to *develop respect for the natural environment*, as set down in Article 29.1 (Goals of education) of the Convention on the Rights of the Child.

While the Paris Agreement represents a significant advance in terms of formal recognition of children's rights in the framework of global climate action,²⁷ consideration of the Convention on the Rights of the Child remains largely absent from climate-related policies, action, investments and dialogue. There is an urgent need for the best interests of the child to be systematically applied in shaping national and international responses to climate change. A key challenge remains environmental decision makers' lack of awareness and expertise in relation to child rights. While intergovernmental initiatives such as the Geneva Pledge for Human Rights in Climate Action²⁸ offer a useful avenue to increase coherence, **more robust guidance is needed to define the elements of a child-rights-based approach to climate change.** Such guidance will be critical as governments seek to implement action which pertains to tackling climate change under the Sustainable Development Goals²⁹ and Sendai Framework for Disaster Risk Reduction.

Examples of good practice:

- Viet Nam has adopted a law on environmental protection which incorporates principles pertaining to respecting children's best interests and gender equality in relation to green growth and climate change. The Ministry of Education has approved a curriculum for formal education that includes competencies on environmental education and climate change, promoting children as critical agents of change.³⁰
- The Zimbabwean Government's recent National Climate Change Response Strategy provides a child-sensitive climate change adaptation and mitigation framework.³¹
- The Philippines' 2016 Children's Emergency Relief and Protection Act³² represents the first law of its kind globally, and aims to improve the specific care and protection of children affected by disasters. The legislation was developed in collaboration with children.

4) The role of the business sector

States' duties extend to the impact of the business sector on the environment and children's rights, in accordance with the CRC's General Comment No. 16 (GC16) and the United Nations Guiding Principles on Business and Human Rights. In the former, the Committee has recognized that through effects on the environment, business activity can have an impact on children's rights:

"Environmental degradation and contamination arising from business activities can compromise children's rights to health, food security and access to safe drinking water and sanitation. Selling or leasing land to investors can deprive local populations of access to natural resources linked to their subsistence and cultural heritage; the rights of indigenous children may be particularly at risk in this context."

Corporate child-rights due diligence should, therefore, include consideration of the impact of business on the environment. GC16 is equally clear that this due diligence should be mandatory and that governments must *"require businesses to undertake child-rights due diligence. This will ensure that business enterprises identify, prevent and mitigate their impact on children's rights including across their business relationships and within global operations"*.

In addition, States' obligation to provide effective remedies and reparations for violations of the rights of the child extends to those caused by business activities. GC16 sets out clear and immediate steps to be

taken by all parties in the event that children are identified as victims of environmental pollution to prevent further damage to their health and development, and to repair damage done.³³

Specific examples of where business impact on the environment has been recognized to have impacted child rights include the following.

Industrial pollution

A group of civil society organizations filed a series of petitions with the Inter-American Commission on Human Rights on behalf of 65 persons, including 33 children, in the smelting town of La Oroya, Peru. Residents of the town had long suffered serious health problems from dangerously high levels of industrial pollution, and sought to hold the Peruvian Government responsible for failing to protect them from the ill effects of environmental contamination in violation of their rights to life and physical integrity, and of children's rights as set out in the American Convention on Human Rights. The Commission requested that the Peruvian Government provide the victims with immediate medical assistance, noting the particularly harmful impacts on children, and remarked on possible rights violations.

Land use

Business acquisition of community, public and individually owned property rights can negatively impact the enjoyment of children's rights. Environmental degradation from land use can decrease the availability of food and access to clean water and sanitation, while forced evictions may cause interruptions in education, reduce access to health care, result in scarcities in adequate housing, raise problems related to social exclusion, and increase risks of trafficking and exploitation. In this context, the Kenya National Human Rights Commission launched a public inquiry into community displacements resulting from the coastal salt manufacturing industry. The Commission uncovered numerous human rights violations and abuses, identified the roles and responsibilities of all public and private sector actors involved, and issued targeted recommendations to both the Government and business. The Commission also proactively organized consultations with local communities to inform them of their rights and discuss the potential impacts of future business projects.

ANNEX I: Recommendations to the Committee on the Rights of the Child

- **Provide robust guidance to State Parties to define the elements of a child-rights-based approach to environmental issues, and seek to develop a General Comment in due course.** This guidance would clarify the obligations of States and the responsibilities of business in relation to the standards and nature of environmental protection measures (including climate and disaster risk management action) required to uphold children’s substantive and procedural rights. In due course – and building on recommendations emanating from the Day of General Discussion and forthcoming analytical studies from the United Nations Human Rights Council and United Nations Special Rapporteur on Human Rights and the Environment – a General Comment on Child Rights and the Environment would provide longevity, visibility and the appropriate level of authority to this guidance, clarifying the relevance of the Convention on the Rights of the Child to a wide range of actors, and strengthening legal and policy links on these issues.
- **In dialogue with State Parties, systematically call for implementation of child-focused environmental protection measures by State Parties, and include a specific section on ‘children’s rights and the environment’ in its Concluding Observations.** This should incorporate recommendations regarding prioritizing the needs of the most vulnerable children, as well as the collection and reporting of disaggregated data in relation to environmental (including climate) risks and impacts on children under 5, children under 18, and boys and girls. By monitoring the challenges that environmental degradation and climate change pose to the implementation of the Convention on the Rights of the Child, further research can be conducted to inform urgently needed policies in this area.
- **Consistently link Concluding Observations on environmental issues to the Sustainable Development Goals³⁴ and States’ commitments under the UNFCCC Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030, in order to anchor these frameworks in States’ CRC obligations and reporting.** Strengthening coherence between the CRC and these global frameworks will raise States’ awareness and capacity to monitor, act and report on the impacts and measures required to fulfil children’s specific rights in the context of environmental protection and sustainable development more broadly, as well as on progress made.
- **Building on General Comment No. 16, recommend that governments require enterprises bidding for large public sector contracts to disclose the steps they are taking to ensure that their activities and those in their supply chain do not negatively affect children’s rights, including in relation to the environment.**
- **Provide guidance to governments on how to monitor and minimize environmental risks to children’s health.** This should include a focus on (a) urgent action to reduce risks and exposure; (b) improving monitoring in relation to exposure and its health impacts; (c) improving children’s overall health so that when they are exposed to environmental risks such as air pollution, the risks of adverse health effects are reduced; (d) providing access to timely information on environmental risk, mechanisms to facilitate the participation of children in decision making, and access to effective remedy in relation to environmental harm.

- ¹ General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (Art. 24), paragraph 50.
- ² See e.g. CRC Concluding Observations on Jamaica (2015); Saint Lucia (2014); Tuvalu (2013).
- ³ For example, children under 5 accounted for 78 per cent of all deaths from malaria in 2014. WHO World Malaria Report, 2014, http://www.who.int/malaria/publications/world_malaria_report_2014/wmr-2014-key-points.pdf.
- ⁴ WHO, *Quantitative Risk Assessment of the Effects of Climate Change on Selected Causes of Death, 2030s and 2050s* (2014). In addition to temperature rise, droughts increase the prevalence of malaria as people store water, providing more breeding ground for mosquitoes.
- ⁵ UNICEF (2015), *Unless We Act Now: The Impact of Climate Change on Children*, http://www.unicef.org/publications/index_86337.html.
- ⁶ WHO (2014), op. cit.
- ⁷ UNICEF (2015), op. cit.
- ⁸ Ibid. See also Humphrey, J. H. (2009), 'Child undernutrition, tropical enteropathy, toilets, and handwashing', *The Lancet*, 374, 1032–1035 on links between stunting, poor sanitation and water quality.
- ⁹ WHO (2014), op. cit.
- ¹⁰ UNICEF (2015), op. cit., p. 40.
- ¹¹ Ibid.
- ¹² UNISDR (United Nations Office for Disaster Risk Reduction) (2015) *Making Development Sustainable: The Future of Disaster Risk Management*. Global Assessment Report on Disaster Risk Reduction. Geneva, Switzerland: UNISDR.
- ¹³ United Nations DESA (2009) (Department of Economic and Social Affairs) *State of the World's Indigenous Peoples*, United Nations, New York, p. 1, http://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_web.pdf.
- ¹⁴ ODI, Plan (2012), 'Climate extremes and child rights in South Asia: A neglected priority'.
- ¹⁵ UK Committee for UNICEF (2015), 'Children and the Changing Climate': http://www.unicef.org.uk/Documents/Campaigns-documents/Unicef_2015childrenandclimatechange.pdf.
- ¹⁶ 'Burden of Disease – Data by Region', World Health Organization, <http://apps.who.int/gho/data/node.main.156?lang=en> (accessed 18 July 2016).
- ¹⁷ Bates, D., 'The Effects of Air Pollution on Children', *Environmental Health Perspectives* 103, no. 6 (1995): 49–53 (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1518911/pdf/envhper00365-0054.pdf>); Calderon-Guarciduenas, Lilian, Ricardo Torres-Jardon, Randy Kulesza, Su-Bin Park, and Amedeo Anguilli, 'Air Pollution and Detri, Mental Effects on Children's Brain: The Need for a Multi-Disciplinary Approach to the Issue Complexity and Challenges', *Frontiers in Human Neuroscience* 8, no. 613 (2014) (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4129915/>).
- ¹⁸ 'Air Pollution Levels Rising in Many of the World's Poorest Cities', Geneva, Switzerland: World Health Organization, <http://www.who.int/mediacentre/news/releases/2016/air-pollution-rising/en/> (accessed July 11, 2016).
- ¹⁹ <http://www.unicef.org/appeals/ethiopia.html>.
- ²⁰ For examples of best practice climate-resilient WASH programmes that UNICEF is implementing in partnership with government partners, see *Children and the Changing Climate*, UK Committee for UNICEF (2015): http://www.unicef.org.uk/Documents/Campaigns-documents/Unicef_2015childrenandclimatechange.pdf. This report contains a compilation of nine case studies from around the globe of child-focused climate action initiatives, including child-led policies and actions.
- ²¹ Ibid.
- ²² <http://www.voicesofyouth.org/en/posts/young-people-are-the-key-to-fighting-climate-change>. The digital map can be found here: <http://climatesummit.unicef-gis.org/>.
- ²³ <http://www.un.org/apps/news/story.asp?NewsID=53507#.V5Y-ChFVhHx>.
- ²⁴ Children in a Changing Climate (2009), *Children and Disaster Risk Reduction: Taking stock and moving forward*.
- ²⁵ A/HRC/25/53, March 2014.
- ²⁶ These rights are set out in comprehensive detail in the Report of the United Nations Special Rapporteur on Human Rights and the Environment to the Human Rights Council (A/HRC.31.52_AEV), February 2016.
- ²⁷ The preamble to the Agreement states: Parties 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 inter-generational equity.
- ²⁸ States that have taken this pledge promise to facilitate the sharing of knowledge and best practices between climate and human rights experts at the national level, <http://www.rree.go.cr/index.php?sec=politica%20exterior&cat=medio%20ambiente%20y%20desarrollo%20sostenible&cont=974>.
- ²⁹ As a priority, Goals 1.5 (disasters), 3.3, 3.9 (pollution), 7.1 (access to sustainable energy), 11 (sustainable cities) and 13 (climate change).
- ³⁰ For more details, see *Children and the Changing Climate*, UK Committee for UNICEF (2015), op. cit.
- ³¹ http://www4.unfccc.int/sites/nama/_layouts/UN/FCCC/NAMA/Download.aspx?ListName=NAMA&Id=165&FileName=Climat%20Change%20Response%20Strategy.pdf.
- ³² <http://www.savethechildren.org.ph/childrens-emergency-relief-and-protection-act>.
- ³³ "States should provide medical and psychological assistance, legal support and measures of rehabilitation to children who are victims of abuse and violence caused or contributed to by business actors. They should also guarantee non-recurrence of abuse through, for example, reform of relevant law and policy and their application, including prosecution and sanction of the business actors concerned."
- ³⁴ In addition to the Goals listed in note 29, other SDGs of particular relevance include Goals 6 (safe water) and 12.4 (sound management of chemicals/waste).