*OHCHR report to the Human Rights Council:*

*REALIZING CHILDREN’S RIGHTS THROUGH A HEALTHY ENVIRONMENT*

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The Amman Center for Human Rights Studies (ACHRS), in consultative status with ECOSOC, is an independent think tank and regional advocacy center for research and training on issues of human rights and democracy. Our work and activities aim to support civil society in Jordan, and to strengthen the general level of awareness towards human rights in the Arab World.

The work of ACHRS is framed by five institutional concentrations: women’s rights, the right to life, the right to think, the right to speak, and the right to participate. Conducting studies and research provides an informational basis from which to further these aims.

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Terminology

CESCR: Committee on Economics, Social and Cultural Rights

DGD: Day of General Discussion

ESSA: environmental and Social System Assessment

IPEC: International Program on the Elimination of Child Labour

JNCLS: Jordanian National Child Labour Survey

NPA: Jordanian National Plan of Action for Children

OEIGWG: Open-ended Intergovernmental Working Group

PDO: Program development Objective

Introduction

Children are the most vulnerable and most exposed to unhealthy environment. According to WHO, in 2015 environmental degradation was the major cause to the 5.9 million children that died under the age of five and additionally, hazards such as air pollution, which causes every year 531.000 child deaths and exposure to toxic substances, can lead to serious health concerns or preterm birth.

As a matter of fact, whilst chemicals including arsenic, mercury and fluoride may taint food, electronic waste represents a massive threaten to children’s health in terms of diseases and cancer (WHO, 2015). Furthermore, lack of access to safe water and hygiene is liable to millions of deaths of children that arise every year because of diseases such as malaria and diarrhoea: more specifically, although nine-tenths of the population have nowadays access to drinking-water, only one-third cannot benefit from sanitary measures (UNICEF, WHO, 2015).

Children’s environmental health is therefore a primary necessity to ensure that the development of the child occurs in a clean and healthy environment, and statistics prove that contact with hazardous substances and pollution has tremendous health effects on children. Nevertheless, recent efforts have attempted to define a right to health as well as various legal measures to reduce the impact of environmental degradation on infants.

Children’s environmental health

Although art. 25.1 of the Universal Declaration of Human Rights recognized for the first time the right to health as an inalienable right by defining it *the right to a standard of living adequate for the health and well-being,* specifications were increasingly elaborated in order to extend it further. According to the Committee on Economic, Social and Cultural Rights, there are several factors that contribute to guarantee a healthy life: the so-called “underlying determinants of health” include safe drinking water, adequate sanitation, safe food, healthy working and environmental conditions (CESCR, 2000). More specifically, art. 12.2 (b) stresses the importance of preventing the population’s exposure to *hazardous substances such as radiation and harmful chemicals*, whilst art. 12.2 (a) focuses the attention on the urgent need to safeguard children’s rights to a safe environment and to reduce infant mortality due to an unhealthy environment. Furthermore, after outlining the severity of the problem, other measures were implemented to fight against children’s exposure to environmental toxins and to solicit the international community to take action: given the urgency of the matter, in November 2018 WHO organized the First Global Conference on Air Pollution and Health and eventually set the aspirational goal to reduce deaths caused by pollution by two thirds by 2030. Within this framework, WHO highlighted the fact that most of pneumonia child deaths are caused by air pollution, which is also the primary motive for chronic diseases in children. In order to meet the aspirational objective, an agenda to combat air pollution was submitted: among the guidelines, WHO stresses the importance to reduce any forms of burning, for instance fuel burning in transportations, cooking, to foster walking or cycling and to implement innovative sustainable solutions for public transport (WHO, 2018). Furthermore, the agenda emphasises the specific goal to reduce infant mortality and to protect vulnerable groups from pollution through initiatives in schools, streets, parks to provide clean air, especially the children. In this regard, WHO promoted *Inheriting a healthier future – clean air for child health and development*, an action-plan that enhances new opportunities of action, such as training materials for professionals aimed at preventing environmentally-related childhood diseases, raising awareness projects, advocacy programmes. Furthermore, the Fifth Ministerial Conference on Environment and Health contributed to set some priority goals as concerns the protection of children’s environmental health: the committee stressed the importance to develop new technologies to provide safe water and to increase collaboration with States to reduce children’s exposure to tobacco and industrial emissions in urban areas, as well as ensuring an environment free from chemical or biological risk caused by new technologies or genetically modified organisms. Finally, the *Global Strategy for Mothers’, Children’s and Adolescents’ Health 2016-2030* was launched by WHO with the purpose of improving women’s and children’s well-being. WHO’s project highlights the fact that if people substituted the use of solid fuels for cooking to cleaner fuels, health among the population would increase from 17 to 62 in urban areas and 6 to 15 per cent in rural areas.

Regulation on the business sector

Besides the huge economic profit, violations of human rights, child exploitation and environmental harms have been up to the present day the humiliating and excruciating outcome of the global expansion of international corporations. Although several international treaties and national regulations were adopted to prevent corporate human rights abuse, the oppressing and unjust power of multinationals still negatively affects the environment and individuals, especially the most vulnerable groups. The main challenges remain related to the little interest in human rights in the economic system and prevalence of profit maximization in every decision, as well as the problem of corporate accountability: in some circumstances, international corporations are considered punishable and accountable as a person in the eyes of the law, thereby actors with public responsibility to act ethically. However, other debates deny their liability for human rights violations: being non-human entities, the accountability should not be weighed on the company itself, but rather on its members. Nevertheless, different measures were adopted to ensure that corporations, understood as a single liable body, do not damage the environment and violate human rights, and therefore, corporate accountability was internationally recognized: as a matter of fact, resolution 26/9 was submitted by Human Rights Council in June 2014 to elaborate an International legally binding instrument on transnational corporations, and five years later the UN treaty entered into force to regulate the activities of business enterprises in human rights law. The OEIGWG treaty aimed at strengthening the safeguard of human rights within the framework of business activities and to ensure justice to the victims. Among the numerous advocacy strategies and global campaigns against environmental crimes, an initiative for the implementation of a binding instrument was launched by the Treaty Alliance Germany, or rather, the UN Treaty Process on transnational corporations and other business enterprises: in this context, the treaty would hold international companies accountable under civil and criminal law, with the purpose of protecting individuals, especially children, and the environment. At a national level, Jordan seems not to have still promoted any laws related to business and human rights concerns. Nevertheless, the Kingdom was in many occasions encouraged to operate and to develop innovative strategies to protect the environment as well as safeguarding people’s right in the context of business, especially because air pollution and environmental degradation are still severe issues in the country. However, at the same time in 2011 Jordan was one of the coordinators that endorsed the UN Guiding Principles on Business and Human Rights, a UN initiative aimed at empowering women, workers, protecting the environment and eliminate all forms of child labour.

Child labour in Jordan

According to the 1996 Jordanian Labour Code, any jobs related to health hazards or dangers were prohibited for young workers under the age of sixteen, but asides from this, minors under the age of sixteen could be still employed for any type of work. Over the years, Jordan has gradually recognized the importance of childcare and as a matter of fact, it was one of the first countries to ratify the International Labour Convention No. 182 of 1999 on the prohibition of the worst forms of child exploitation, which led the country to develop a project to eliminate all forms of child labour within the International Program on the Elimination of Child Labour (IPEC). Moreover, the Kingdom of Jordan has increasingly launched several national strategies and plans for child labour: among them, the National Plan for Children (2004-2013), promoted by His Majesty King Abdullah II and Queen Rania, which enhanced the protection of children in dangerous circumstances through activities and innovative projects. Nevertheless, difficult economic and social conditions persist in the country and poverty oftentimes forces children to leave school and join the labour force, which causes exploitation and engages them in harmful and noxious work. The 2016 National Child Labour Survey shows that child labour remains a serious concern in Jordan, considering the large number of children employed in potentially hazardous jobs. Furthermore, ILO declared in the 2016 National Child Labour Survey (JNCLS) that the percentage of children involved in the labour market has doubled since 2007, and among them, 44.000 are exposed to toxic substances and in contact with potentially hazardous work. More recently, according to the Bureau of International Labour Affairs, the government has put a great effort in eliminating child labour and as a matter of fact, over 130.000 Syrian refugees children were enrolled in schools, in addiction to providing shelter as well as education and financial aid to the minors involved in exploitative labour. However, children in Jordan still perform dangerous tasks in the streets and in agriculture. 2019 data prove that 1% of the Jordanian children is part of the working force and most of them are engaged in the agriculture business and retail trade (UNESCO institute for statistics, 2019).

Monitoring children’s safety in Jordan

In the last few years Jordan has started to elaborate various national projects purposely aimed at monitoring environmental risks: in 2012, the government launched the Environmental and Social Impact Assessment Framework for the Jordan Micro, Small and Medium Enterprises Development within the Inclusive Growth Project, with special monitoring safety activities for construction phases. However, the Country engaged in a similar project but specifically addressed to children: in 2017, World Bank drafted the final version of the Environmental and Social System Assessment (ESSA), an education reform support programme. The Program Development Objective (PDO)’s goal is to improve teaching and learning conditions for Jordanian and refugee children: in this context, the environmental risk is linked to the construction and rehabilitation phase of schools as well as water waste, land use sanitation and maintenance needs. Recognizing that such operations could be harmful and might expose children to hazardous substances, the programme is a great example of monitoring environmental risks that could damage children’s health and safety risks.

Children’s participation

Children’s involvement in decision-making and access to justice in the context of the environment is part of children’s right to participate. Bearing in mind that many infants of the world are exposed to hazardous substances without being aware of such risks, lack of environmental education can be a great gap as regards children’s involvement in governments’ decisions related to environmental laws and policies. The 2016 Day of General Discussion was fostered by the Committee on the Rights of the Child to discuss initiatives aimed at promoting the relationship between children’s rights and the environment. In this context, the focus was put on youth participation in decision-making-processes, an objective that was formally recognized internationally in diverse occasions but that does not truly occur in most cases. The Committee recognized the importance of children’s involvement in matters related to the environment and of promoting children’s environmental education as a first step that should be enhanced by States in order to rise awareness. Moreover, DGD declares that children’s opinions must be taken seriously and most importantly, measures that were implemented by the international community and States as regards the environment, such as the Paris Climate Agreement, should include specific references to children’s rights. On the other hand, governments rarely adopt decisions or simply mention children’s rights in their environmental policies. However, DGD recognizes that children’s engagement in politics is a fundamental right, as well as access to justice and to information concerning violations from environmental harm. Finally, in the context of children’s involvement in decision-making processes and access to justice, DGD encourages States and relevant actors such as NGOs and professionals through a series of recommendations to begin to take account of children’s rights in their programmes on the environment.

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