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**OHCHR report to the Human Rights Council:**

***“Realizing children’s rights through a healthy environment”***

In resolution 40/14 the Human Rights Council decided to focus its next annual full-day meeting on the rights of the child (2020) on the theme **“Realizing children’s rights through a healthy environment”**. It further requested the Office of the United Nations High Commissioner for Human Rights to prepare a report on that theme, in close cooperation with all relevant stakeholders, with a view to providing information for the meeting.

**The Office of the High Commissioner would be grateful to receive any relevant information for the preparation of this report in relation to the following questions:**

1. **Please share any information or evidence on the impact of environmental degradation, pollution or childhood exposure to hazardous substances on children’s rights, including the right to health.**

*To the knowledge of the CNIDH, no scientific study is already commissioned to know the impact of environmental degradation, pollution or exposure of children to hazardous substances on their rights. Thus, the CNIDH is not able to give figures of children who have been victims of incidents or many diseases due to the consumption of products containing toxic substances, air pollution and soil pollution including pesticides.*

*However, the least we can say is that in Burundi children do not grow up in a physical environment protected from substances harmful to their health in general and their physical and intellectual development in particular.*

*Smoke from the burning of charcoal in households and fuel in machinery and vehicles, the dumping of toxic substances made of synthetic compounds and chemicals such as asbestos contained in building materials, various metals such as lead, mercury and benzene already prevalent in watercourses and soils or in petrochemicals, cadmium and nicotine contained in tobacco, exhaust fumes and various other toxic gases, as well as pesticides suspended in the air, sprayed in fields of tomato, potato, corn or already contained in food and in contaminated water, etc., increase the risks vis-à-vis children ..*

*Children in street situations who routinely invade rubbish in search of food or abandoned objects to sell them are most exposed to harmful substances. In fact, when they search in illegal or government-created garbage dumps, they touch toxic objects or wastes of all kinds, including oils, plastics and biomedical products, at the same time as they inhale a mixture of toxic substances from the decomposition or burning of this waste.*

*In Burundi, children are the most affected by climate change and its secondary impacts. Floods caused by rainwater cause human and material damage and cause food insecurity, while stagnation of rainwater contributes to the proliferation of pathogens, vectors of dysentery, cholera and other hand diseases. dirty. In addition, very few households and industrial sites currently have adequate evacuation and / or waste disposal facilities that eventually flow into rivers and lakes frequented by children.*

1. **Please identify noteworthy and globally significant examples of good practice towards ensuring children’s rights through a healthy environment, including good practices to mitigate childhood exposures to harmful levels of air pollution and hazardous substances, such as pesticides or other toxic chemicals.**

*The CNIDH welcomes the government's policy of removing children from the street. The Government has also set up a national platform for risk prevention and disaster management to develop a culture of risk prevention and involvement in disaster preparedness and response among the population. In addition, since March 2013, Burundi has adopted a National Sanitation Policy and an operational strategy for 2025. In addition, Burundi has adopted legislative and regulatory measures to combat the degradation of the environment. environment through the work of man. It is necessary to quote the law n ° 1/010 of June 30th, 2000 relating to the Code of the Environment in Burundi, the Decree n ° 100/099 of August 8th, 2018 concerning the prohibition of the importation, the manufacture, the marketing and use of plastic bags and other plastic packaging and Order No. 630/770/142/2008 of 4 February 2008 on the classification and management of biomedical waste produced in health care facilities in Burundi.*

1. **What legal and other measures are in place to ensure that the activities of companies do not damage the environment, either domestically or in other countries?**

*Speaking of the protection of the environment, without pointing the finger at companies, the Constitution of the Republic of Burundi promulgated on June 7, 2018 states that "any agreement authorizing the storage of toxic waste and other materials that could seriously damage the environment. environment are prohibited "(Article 280). We find in this article, the concern to protect the environment that the state provides protection against toxic waste that pollute the environment. Here, the Constitution raises the role of the state in protecting the environment; it is a kind of active aspect of the legal protection of the environment by any person who has the power to enter into agreements with companies. Thus Article 280 means that agreements authorizing the storage of toxic waste and other materials that may seriously harm the environment are prohibited. The Burundian Forest Code in force (dated 25 March 1985), on the technical level, is sufficiently well developed in terms of environmental protection. Legal measures were taken penalizing anyone found guilty of bushfire, as well as the rambling of grazing animals. With regard to the protection of forests, Article 69 of the Burundian Environmental Code stipulates that: "Forests are a good of common interest. They must be protected and exploited taking into account their impact on the Burundian environment. The management of state and municipal forests is the subject of management plans approved by the forest administration in accordance with the principles laid down in this Code and its implementing texts ".*

*The Environmental Code sets the basic rules for the protection and sound management of the environment. With a view to protecting the environment, the State, local authorities, public and parapublic bodies and private operators (companies) are, by virtue of the responsibilities which are distributed to them by the regulations in force, under various conditions of environmental protection. The principle of prevention, contained in article 4 of the Environmental Code, states that "the conservation of the environment, the maintenance or restoration of natural resources, the prevention and limitation of activities and phenomena likely to degrade the environment. environment and to cause harm to people's health and ecological equilibrium, compensation or compensation for environmental degradation is of general interest ". The logic of prevention governs all legislation in this area, whether it concerns air, water, soil, waste or dangerous substances. Prevention must be the golden rule for the environment, both for ecological and economic reasons.*

*The precautionary principle, the polluter-pays principle and the principle of sustainable development are obvious to observe in the provisions of the Burundi Environment Code. In addition, the decree n ° 100 of October 22, 2010 relating to the measures of application of the Code of the environment in connection with the procedure of study of environmental impact was put in place. The mining code provides that the company, prior to any extraction activity of the mines and / or quarries must demonstrate how they will protect the environment before, during and after mining activities. Strict measures have been taken by the administrative, municipal and health authorities regarding the treatment of wastewater from companies prior to their discharge into rivers and lakes. The Ministry of Agriculture and the Environment has issued an order banning the marketing and use of non-bio-degradable plastic bags with deadlines on 22 August 2019. International sources play a significant role in consolidating environmental law in Burundi. They are a source of inspiration for internal legal standards, whether they are international and regional conventions or statements made in relation to the protection of the environment. In 2017, the Ministry of Finance and Economic Cooperation banned the import of used vehicles more than 10 years old, under pain of a fine of at least one million five hundred (+/- 1000USD) Burundi francs.*

*Burundi is part of the Conference on the Ecosystems of Central and Southern Africa's Forests (CEFDHAC), which brings together all the players in the forestry sector from the following countries: Burundi, Cameroon, Gabon, Equatorial Guinea, Central African Republic , the Republic of Congo Brazzaville, the Democratic Republic of Congo, Rwanda and Sao Tome and Principe. CEFDHAC is headquartered in Brazzaville. This is a form of joint effort between Burundi and the countries of the sub-region.*

* 1. **What are the main gaps and challenges experienced in this regard?**

*Burundi is experiencing cyclical crisis situations that do not spare the forest sector. Criminal fire has often been seen in natural forest, public and private woodlands and nature reserves that degrade the environment.*

*- The Forest Code presents difficulties in its application, although efforts are regularly made by the authorities at all levels. The current situation does not allow its application in particular because of the lack or insufficiency of cultivable areas following the ever increasing population in Burundi.*

*- There are other accompanying measures to enforce concretely the principles set out in the provisions of the Environmental Code that are not followed by immediate effects.*

1. **Please provide information on national laws and policies to ensure that companies undertake environmental and human rights due diligence and do not contribute to abuses of children’s rights.**

*The Environmental Code in its article 4 specifies that "The conservation of the environment, the maintenance or the restoration of natural resources, the prevention and the limitation of the activities and phenomena likely to degrade the environment and to cause attacks. the health of people and the ecological balances, the repair or the compensation of the damages which will have undergone the environment are of general interest. The realization of the policy of protection and improvement of the environment constitutes, for present and future generations, a permanent obligation for the State and local authorities as well as for any natural or legal person carrying on activities in the territory of the Republic of Burundi. The 1993 Labor Code still in force prohibits child labor. The National Environment Strategy in Burundi (SNEB) integrates protection and environmental improvement.*

*The Burundi Company Code provides that each company, before any approval, must indicate how it will comply with the three elements above. And, in the event of a contravention, severe penalties up to the withdrawal of the operating license are applicable to it and provided for in the legal texts, in particular the criminal Code.*

* 1. **What measures are in place to combat hazardous forms of child labour in which children are at particular risk of exposure to hazardous and toxic substances?**

*In Burundi, the Labor Code in its article 126 clearly states that "Children can not be employed in a company before the age of 16, except for the performance of light and safe work or learning provided that such work is not detrimental to their health or normal development, nor likely to prejudice their attendance at school or their ability to benefit from the instruction given therein.*

*An order of the Minister having Labor in his attributions, taken after consulting the National Labor Council, determines the nature of the work referred to in the preceding article as well as the works and categories of enterprises which are prohibited to children and young people and the age limits to which these prohibitions apply (Article 13, 14 and 15 of Ministerial Ordinance No. 630/1 of 5 January 1981 regulating child labor).*

*Offenses against the provisions of this order are punishable by the penalties provided for in the Penal Code and the Burundian Labor Code. In addition, the labor inspectors are responsible for applying the above-mentioned order. In addition, the National Independent Commission on Human Rights (CNIDH) has, among other things, a mission to promote and protect the rights of vulnerable groups including children. It does so through studies and monitoring of human rights violations in and by businesses.*

1. **What measures are in place to fulfil children’s right to participate and be heard in decisions affecting their rights and environment, including their right to remedy in the case of violations of their rights linked to pollution or exposures to hazardous substances?**

*On the recommendation of the 2008 UPR, in 2011, for the first time in its history, Burundi created a legal framework for the participation of children in the democratic decision-making process known as the "Burundi National Children's Forum, FONEB". This framework is functional but children members do not receive enough training on their rights.*

*In case of violation of their rights, the reparation is guaranteed by the Burundi Constitution and the specific national laws as well as the conventions ratified by Burundi concerning children.*

1. **How are environmental risks to children being monitored and measured in your country?**

*In Burundi, the monitoring of environmental risks for children is the responsibility of 8 ministries under the lead of the Ministry in charge of Social Affairs, Human Rights and Gender.*

*A department responsible for children and the family was created in 2008 on the recommendation of UPR 2008 and is functional and very beneficial in all that is the coordination of interventions in the child sector in Burundi.*

The OHCHR would be grateful to receive any information to the Office of the United Nations High Commissioner for Human Rights (United Nations Office at Geneva, CH 1211 Geneva 10; fax. +41 22 917 90 08; e-mail: registry@ohchr.org) no later than **8 October 2019**. Please do not hesitate to contact Ms. Gina Bergh at gbergh@ohchr.org if you have any questions.

We kindly request that submissions be concise and limited to a **maximum of 4 pages,** submitted in **MS Word format.** Due to limited capacity for translation, we also request inputs to be submitted in **English**, **French** or **Spanish** where possible. Unless otherwise requested, all submissions will be made publicly available on the OHCHR website.

Thank you for your valued interest and engagement on this matter.