**Inputs to the OHCHR Report ‘Realising Children’s Rights through a healthy environment’**

General comments:

As noted in the call for input/outline, a fairly significant body of reports/guidance has emerged in recent years with respect to the child rights implications of environmental harm.

What is still lacking however, is the urgent formulation and implementation of legal frameworks and policies which are grounded in a child rights-based approach. This is hindered by various factors including a lack of awareness of the relationship between child rights and environmental harm, lack of capacity (technical and financial), political will, and at a more systemic level, insufficient investment in quality environmental education for children and the public more broadly. All of these barriers remain present despite numerous relevant commitments under the CRC, the UNFCCC and Paris Agreement, the SDGs, Sendai Framework, and the Rio Declaration on Environment and Development.

A critical gap remains the lack of clear and detailed standards on what realising children’s right to a healthy environment requires. The present OHCHR report provides an opportunity to build on previous reports by outlining more explicitly the standards by which governments must abide in order to fulfil their child rights commitments, such as meeting the 1.5°C target under the Paris Agreement, and measures required to do so (see e.g. UNSR on Human Rights and the Environment report on a safe climate (2019), A/74/161, which provides more detailed measures/recommendations than previous reports). WHO thresholds on pollutants would be another example.

The following inputs do not seek to repeat ground already covered in previous reports, but to provide some additional reflections/suggested sources.

**OHCHR Report on “*Realizing children’s rights through a healthy environment*” – Draft Outline**

**I. How the state of the environment is affecting children’s rights**

* Environmental damage and childhood exposure to pollution and toxic waste present an urgent challenge affecting children’s rights.

o Overview of available data, particularly WHO, on how environmental harm and exposures to hazardous substances affect children, including associated child mortality and identifiable effects on children’s health.

It will be important here to highlight climate change and loss of biodiversity as critical challenges affecting children, the fact that these are *already occurring,* and how these intersect with local forms of environmental damage.

* Children bear a disproportionate share of the burden due to their sensitive phase of physical and mental development.

o Highlight those facing particular vulnerability to effects of climate change, environmental degradation and exposure to hazardous substances, including girls, children living in developing countries and in rural areas, and indigenous populations.

With respect to indigenous populations in particular, it is important to consider that these communities face some of the most acute risks due to their unique relationship with the land, but also because of historical rights violations, including displacement/dispossession of land which in many instances has resulted in them occupying areas which are particularly climate vulnerable. Ironically, and tragically, certain indigenous populations now face the emerging climate crisis on the one hand, and in parallel, possible forcible displacement once more from these lands to make way for ‘green’ infrastructure – large-scale hydrodams, solar farms etc.

Environmental degradation and climate-related pressures are already leading to increasing migration and displacement, and migrant children face some of the greatest threats to their rights. *See: Unicef UK (2017), No Place to Call Home: Protecting Children’s Rights When the Changing Climate Forces Them to Flee*

o Immediate and long-term impacts of exposures to pollution and associated rights violations

* Interaction with economic and social inequalities (SDGs; leaving no child behind).
* Civil and political rights implications, including the right to information, to participate in decision-making processes and to be heard; access to justice.
* Summary of **progress towards recognizing a healthy environment as a child rights concern.**

The Global Initiative on Advancing Children’s Right to a Healthy Environment, launched in 2018, is seeking to advance recognition and implementation of this fundamental right at national, regional and international levels.[[1]](#footnote-1) The initiative consists of a series of regional consultations designed to convene children, youth and key stakeholders to raise awareness, capacity, and identify opportunities and strategies to promote this right. Outcomes/resources to date include:

* A global (online) poll for children on their right to a healthy environment, comprising of four questions, including a ‘free-flow’ message for world leaders. Currently the poll is available in three languages, and results can be found at the following links in [English](http://www.quiz-maker.com/S-Quiz-Results?qp=386064xa99fB127-5), [Spanish](http://www.quiz-maker.com/S-Quiz-Results?qp=388043xC3422472-5), and [Portuguese](http://www.quiz-maker.com/S-Quiz-Results?qp=393946x7F4ae86A-5).
* A joint submission (June 2019) from the Secretariat of the Global Initiative (Project Dryad and Terre des Hommes) for the UNSR on Human Rights and the Environment's report on a safe climate, compiling responses received from children to date on climate change issues.
* Outcome documents from the regional consultation for Latin America and the Caribbean (the first consultation to take place under the Global Initiative, in May 2019):
	+ The outcome report (in Spanish) – attached.
	+ The Declaration/statement from children and youth that attended the consultation for Latin America and the Caribbean on children's right to a healthy environment, which took place in May in Colombia (in Spanish and unofficial EN translation) – attached.

Useful sources for this section:

* WHO data: <https://www.who.int/globalchange/publications/quantitative-risk-assessment/en/>
* <https://www.theguardian.com/environment/2019/jul/31/climate-crisis-already-causing-deaths-and-childhood-stunting-report-reveals>
* UNICEF research and data on numbers of children at risk of severe drought, flooding and extreme weather: <https://www.unicef.org/publications/files/Unless_we_act_now_The_impact_of_climate_change_on_children.pdf>
* Air pollution: <https://www.unicef.org/publications/index_92957.html>
* [https://www.thelancet.com/journals/lanpla/article/PIIS2542-5196(19)30046-4/fulltext](https://www.thelancet.com/journals/lanpla/article/PIIS2542-5196%2819%2930046-4/fulltext)

**II. Overview of international human rights law**

* Right to healthy environment
* Protections under international human rights law including the Convention of the Rights of the Child

o Right to informed consent
o Right to physical and mental integrity; prevention as remedy

* States duties and business responsibilities and accountability regarding children’s right to a healthy environment, including Committee on the Rights of the Child’s General Comment 16 on child rights & business, no. 11 on indigenous children, and the Committee on Economic, Social and Cultural Rights’ General Comment 14 on right to health.

Additional sources:

* See UNSR on Human Rights and the Environment (2013) mapping report on the UN Convention on the Rights of the Child and the right to a healthy environment for a comprehensive overview of States’ obligations as interpreted by the Committee on the Rights of the Child.
* CIEL, GI-ESCR (2019), ‘States’ Human Rights Obligations in the Context of Climate Change: 2019 Update’ contains a mapping of recent CRC Concluding Observations with respect to climate change specifically.
* Also see CEDAW General Comment 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate change.
* UNSR on Human Rights and Toxics (2016) report on child rights (A/HRC/33/41) contains useful in-depth recommendations with respect to the responsibilities of businesses.
* Global Compact, UNICEF, Save the Children, Child Rights and Business Principles: <https://www.unicef.org/corporate_partners/index_25078.html>
* ILO Convention 182 on Worst Forms of Child Labour (WFCL) and ILO Recommendation 190 on WFCL.

**III. Specific areas of risk & child rights violations**

* Overview of the primary environmental risks to children’s health and contributing factors to child mortality, including evidence where available, with respect to:

o Climate change, air pollution, water sanitation & hygiene, chemicals and wastes, emerging environmental issues, including the management of e-waste.

* Childhood exposures to toxic chemicals and hazardous substances

o Including in the context of child labor, e.g. when children are exposed to and work with pesticides in agriculture; nicotine in the context of tobacco farming; and to mercury or lead in the context of artisanal mining

o Effects of specific forms of production causing children’s exposure to hazardous substances in affected communities – e.g. due to pesticide use in industrial agriculture and coal mining.

* State duties and business responsibilities with regards to child rights & the environment

o Child rights abuses in the context of business operations
o Human rights due diligence throughout supply chains

**IV. Good practices towards realizing children’s rights through a healthy environment**

* Emphasis on examples of good practices on the part of States showing leadership and progress towards fulfilling their obligations and taking proactive measures to protect and realize children’s rights through a healthy environment.

**V. Conclusions & recommendations**

* Priorities to strengthen accountability for child rights violations associated with environmental damage, pollution and hazardous substances.

o State obligations and business responsibilities in this regard

* Recommendations to strengthen international cooperation and knowledge-sharing at all levels; a need for global guidelines?
* Recommendations with respect to the work of the Committee on the Rights of the Child on child rights and the environment (including potentially an eventual General Comment).
* Options for the Human Rights Council to further support progress in realizing children’s rights through a healthy environment.
* The Human Rights Council should support international recognition of the right to a healthy environment. Additional options include a resolution by the UN General Assembly, or a Global Compact for the Environment (proposed by France). See: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22755&LangID=E>
* The Committee on the Rights of the Child should develop a General Comment on this issue to provide clear guidance to States on their obligations in this respect, to place a clean and healthy environment on a par with other key areas of child rights, and to help raise awareness about the child rights impacts of environmental harm.
* Meanwhile, the Committee on the Rights of the Child should systematically and explicitly address environmental issues through their work, including Concluding Observations to States, and to call for submissions in this regard from civil society, children and youth. Ideally, these should be linked to international frameworks and States’ commitments, including under the SDGs, Sendai Framework and Paris Agreement.
* Global guidelines and tools should be developed and made available, for example child rights impact assessments for environmental policies/action, or environmental/social impact assessments which incorporate consideration of children’s rights.
* Another priority concerns improved collection of disaggregated data at national and sub-national levels with respect to children and environmental impacts, as this represents a major gap and further hinders the development of tailored legal and policy frameworks.
1. Concept note available here: <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/environmentandrightschild.aspx> [↑](#footnote-ref-1)