

**Joint Submission on the OHCHR report on  
“Realizing children’s rights through a healthy environment”  
September 2019**

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This is a joint submission by Child Rights Connect with the support of its Working Group on environment convened by Terre des Hommes.

### **Introduction**

There is no doubt that child rights and environmental protection are mutually interdependent. Each year more than 1.7 million children under the age of five lose their lives as a result of avoidable environmental impacts, while millions more suffer disease, disability, and an array of other forms of harm, some of which can result in lifelong effects<sup>1</sup>.

Within their homes, where they should feel safe, too many children are exposed to household air pollution, toxic chemicals, effects of harmful pesticides and contaminated food and water. And when they leave their homes, they often face ambient air pollution and open waste sites instead of green spaces and access to safe environments. Climate change, unprecedented levels of global biodiversity loss, the depletion of natural resources, including land degradation and large-scale changes in land-use, widespread use of plastics, among other issues, pose some of the greatest systemic threats to children’s rights and jeopardize the lives of both current and future generations. Groups of children in vulnerable situations, including indigenous children, children with disabilities, girls, children living in poverty, often bear a disproportionate burden of environmental impacts, implicating and often violating the principle of non-discrimination. For example, girls often carry the additional burden and risk of spending more time to collect water for domestic purposes, when sources closer to the home dry up<sup>2</sup>.

Numerous studies have found that environmental harm interferes with a host of children’s rights including their rights to life<sup>3</sup>, health and development, food, housing, water and sanitation, cultural life, play and education. Children are at heightened risk because they are still developing physically and mentally, and because the environmental threats they face are often beyond their control. Children are exposed to toxics before they even leave their mother’s womb. Early-life exposures can jeopardize a child’s development to their full potential, and their ability to contribute to society later in life.

Children are also among the least empowered to exercise their rights to information, free expression and to be heard in relation to environmental matters, as well as to access justice when their rights have been violated. While decision-makers frequently highlight the role of the “youth” in sustainable development and their great potential as agents of change, in practice, children’s concerns are not sufficiently taken into account. This state of affairs fails to acknowledge and fully support the growing movement of child and youth human rights defenders from around the world who have started providing their own responses by getting involved in nature conservation, reducing pollution, developing ideas for sustainable lifestyles, and raising their voice on climate change, as in the case of

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<sup>1</sup><https://www.who.int/en/news-room/detail/06-03-2017-the-cost-of-a-polluted-environment-1-7-million-child-deaths-a-year-says-who>. For more information, see: Inheriting a Sustainable World: Atlas on Children’s Health and the Environment and Don’t Pollute my Future! The Impact of the Environment on Children’s Health, World Health Organization (2017).

<sup>2</sup> Hope dries up? Women and Girls coping with Drought and Climate Change in Mozambique, Care (2016).

<sup>3</sup> In its recent General Comment No. 36, the Human Rights Committee has recognised that “Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life”.

*Fridays For Future*. Children often face severe criticism, patronisation, intimidation, harassment, reprisals and even violence from authorities or corporations, particularly when acting on climate change and issues such as pollution, access to land and access to other natural resources.

States must do much more to protect children from environmental harm and mobilize the “creativity, ideals and courage of the youth to forge a global partnership in order to achieve sustainable development and ensure a better future for all” (Rio Principle 21). A healthy and sustainable environment is necessary for the full enjoyment of children’s rights and the exercise of children’s rights is vital to the protection of the environment.

### **The UN Convention on the Rights of the Child**

The UN Convention on the Rights of the Child (UNCRC) has a huge, yet largely undeveloped, potential to inform policies on the environment and sustainable development. No other global human rights instrument addresses the environment more explicitly than the UNCRC, which requires States parties to consider the dangers and threats of pollution in the context of the right to health and to direct their education to the development of respect for the natural environment. In addition to the rights that mention the environment, it includes many economic, social and cultural rights, as well as civil and political rights, that are relevant in the environmental context. The UNCRC also enjoys near universal ratification, with treaty obligations for 196 States parties. Moreover, the rights holders under the UNCRC are the largest group most vulnerable to environmental harm both today and in the future.

#### Recommendation:

1. The UNCRC should provide the normative reference frame for “Realizing children’s rights through a healthy environment”.

### **A growing interest**

The annual full-day meeting in 2020 is the latest in a series of recent efforts to address the relationship between children’s rights and the environment. In 2016, the UN Committee on the Rights of the Child held a Day of General Discussion to foster a deeper understanding of the contents and implications of the UNCRC with regard to environmental issues. The day was a milestone in bringing together knowledge on the environment and children’s rights. The Committee received over 50 written submissions and produced an outcome report (2017). Other UN human rights mechanisms have begun to examine the effects of environmental harm on the enjoyment of children’s rights, such as the UN Special Rapporteurs on the environment, John Knox (2018), and on toxic waste, Baskut Tuncak (2016), in their reports on children’s rights and the environment and pollution, as well as the Office of the High Commissioner of Human Rights’ report on climate change (2017). Earlier this year, the Human Rights Council called on States to “provide a safe and enabling environment for initiatives by young people and children to defend human rights relating to the environment” (Resolution 40/11 (2019)), and the Committee on the Rights of the Child as well as several Special Rapporteurs voiced their support for children campaigning on climate change and in the context of the 2030 Agenda for Sustainable Development.<sup>4</sup>

#### Recommendation:

2. The annual full-day meeting should build on these efforts, through the thematic report, panel discussion and ensuing resolution, and help to consolidate existing findings while calling for action on persisting gaps.

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<sup>4</sup> [UN child rights committee voices support for children campaigning on climate change, OHCHR press release, 27 September 2019](#), and [UN human rights experts applaud children fighting climate change, OHCHR Press release, 22 March 2019](#).

## **A child rights approach to the environment**

One of the fundamental obstacles to the recognition of the rights of the child in the environmental context is a general lack of awareness of the many links between a safe and healthy environment on the one hand, and children's rights on the other. Consideration of the UNCRC remains largely absent from environmental or climate-related policies, laws and actions.

An important first step, therefore, is to acknowledge that children's rights are an integral part of the human rights framework applicable to the environment. In accordance with the Framework Principles on Human Rights and the Environment (2018), States have substantive obligations to protect against environmental harm and take necessary measures for the full realization of human rights that depend on the environment. At the same time, States have procedural obligations to respect, protect and fulfil the human rights to access information, participation in decision-making, freedom of expression and assembly, and access to justice in environmental matters. In addition, States should take special care to protect the rights of those groups who are most vulnerable, or at particular risk, from environmental harm, taking into account their needs, risks and capacities (Framework Principle 14).

The human rights obligations of States in relation to the environment apply with particular force to the rights of children, as emphasized by former UN Special Rapporteur on the environment, John Knox, in his 2018 report to the Human Rights Council (A/HRC/37/58).

### Recommendations:

3. The annual full-day meeting should serve to reinforce States' commitment to the rights of the child in the environmental context along with their heightened obligations arising under the UNCRC in relation to environmental harm.
4. In applying a child rights approach to the environment, States should consider, in particular:
  - a) Framing action on child rights and the environment as a result of an evaluation of the full spectrum of child rights and related Sustainable Development Goals (SDGs). For example, any environmental policies or measures that may affect children's rights must ensure that the best interest of children are a primary consideration, including by ensuring that their views are taken into account and taken seriously.
  - b) The effects of environmental harm on a vast range of children's rights, including the rights to health, play, water, food, cultural life, an adequate standard of livings, when setting environmental standards.
  - c) The importance of giving effect to civil and political rights, including the rights to information, freedom of expression and assembly, with a view to empowering and allowing children to participate in decision-making on the environment, and the right to access justice, including effective remedies and reparation, when their rights are violated.
  - d) The role of environmental education as a right in and of itself, including in formal education and out-of-school settings, and in reinforcing the realization of a number of other children's rights as well as preparation for responsible life in society. In this respect, Article 29 1(e) of the UNCRC is a unique provision in international human rights law, but States parties to the UNCRC sparsely pay attention to it.
5. To comply with their additional obligations under the UNCRC, States should inter alia:
  - a) Collect and disseminate disaggregated data, in line with the principle of non-discrimination (Article 2 UNCRC), on the effects of climate change, and other forms of environmental degradation, pollution, chemicals and other potentially toxic substances, on the rights and well-being of children; assess and study the children's rights impacts of proposed policies, projects and other measures related to the environment (e.g. large-

scale development projects); and develop tailored environmental education, awareness and information programmes for children, parents and caregivers with the aim of strengthening their capacity to respond to environmental challenges.

- b) Review their environmental laws, standards, policies and programmes to determine if these take proper account of the ways in which children are more susceptible to environmental harm and/or face barriers to exercising their rights; amend such laws, standards and policies if necessary; and implement and enforce them. In this regard, environmental standards should be consistent with the best available science and relevant international health and safety standards, and States should never take retrogressive measures. National standards must take into consideration the best interests of children, in part by applying the precautionary principle and using adequate margins of safety.
  - c) Regulate business enterprises to protect against child rights abuses resulting from environmental harm at home or abroad, and provide remedies for such abuses. To this end, State parties should comply with General Comment No. 16 of the Committee on the Rights of the Child, as it pertains to children’s rights and the environment, and take account of Children’s Rights and Business Principle No. 7 to “Respect and support children’s rights in relation to the environment and to land acquisition and use”<sup>5</sup>.
  - d) Take account of their child rights obligations when adopting and implementing environment-related agreements and policy frameworks at international or regional levels. The Paris Climate Agreement, the first global environmental treaty to recognize human rights, including children’s rights, is a positive example. States must also comply with their child rights obligations relating to the environment in the context of international finance mechanisms and development cooperation, including by developing adequate social and environmental safeguards.
  - e) Make the necessary arrangements to facilitate public participation in decision-making on the environment, with a particular emphasis on empowering children, including from a young age, by enabling their safe, full and meaningful participation. Their voices are too often not heard or taken seriously in environmental policy processes.
  - f) Provide a safe and empowering environment for children human rights defenders acting on the environment, including by promoting a positive narrative around their activities. In this regard, States should implement the outcome recommendations from the 2018 Day of General Discussion of the Committee on the Rights of the Child on Protecting and Empowering Children as Human Rights Defenders.<sup>6</sup>
  - g) Ensure that children have access to justice, including effective remedies and reparation of violations due to environmental harm, through child-friendly complaints mechanisms at all levels, including by ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
6. To enhance visibility of the relationship between child rights and the environment, and strengthened accountability, States should:
- a) Incorporate the implications of environmental harm on the full enjoyment of the rights of the child in their periodic reports to the Committee on the Rights of the Child and their

<sup>5</sup> <https://childrenandbusiness.org/>.

<sup>6</sup> [Report 2018 Day of General Discussion on Protecting and Empowering Children as Human Rights Defenders.](#)

national reports under the Universal Periodic Review mechanism, as well as the steps they are taking to ensure that children's rights are protected against such harm. This should extend to reporting on their efforts to consider child rights in the context of their action under relevant international environmental frameworks.

- b) Consider children's rights in their environmental reporting under the UN Framework Convention on Climate Change (UNFCCC) (e.g. national communications, adaptation communications), international agreements on chemicals and wastes and in reporting on implementation of environmental targets under the Convention on Biological Diversity and the SDGs.

### **The role of the UN Committee on the Rights of the Child**

The UN Committee on the Rights of the Child should take measures to strengthen the coherence between the UNCRC and global environmental frameworks to raise States' awareness and capacity to monitor, act and report on the impacts and measures required to fulfil children's rights in the context of environmental protection, as well as on progress made.

#### Recommendations:

7. The Committee on the Rights of the Child should:
  - a) Provide robust normative and practical guidance to States parties on applying child rights in the environmental context, including through possible development, as recommended by the Special Rapporteur on the environment, John Knox (A/HRC/37/58), of a General Comment on the relationship between children's rights and the environment.
  - b) Reach out to the UNFCCC, United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO) and World Health Organization (WHO) amongst others, and offer its assistance to ensure better integration of children's rights and the environment, and seek their input on environmental concerns in its own action.<sup>7</sup>

### **The role of international organizations**

#### Recommendations:

8. International organizations working on environmental matters should mainstream children's rights in their policies and technical assistance throughout the UN system, including at UNFCCC, UNEP, UNDP, WHO, the International Labour Organisation and the High-Level Political Forum on Sustainable Development, and enhance cooperation and coordination amongst relevant actors.
9. United Nations Children's Fund (UNICEF) is encouraged to mainstream a child rights perspective into its environmental programmes and activities, to support and highlight good practices, and to submit information regarding the child rights impacts of environmental harm in its national reports to the Committee on the Rights of the Child. UNICEF is also encouraged to build on its efforts to mainstream environmental considerations into its own programmes and activities, to assist States at the national, regional and international levels to form appropriate policies.

### **The right to a healthy and sustainable environment**

The multiple ecological challenges facing the world pose a fundamental threat to the protection of human rights. The time has come for the United Nations to recognize the right to a safe, clean, healthy

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<sup>7</sup> [Report 2016 Day of General Discussion of the Committee on the Rights of the Child on Children's rights and the environment.](#)

and sustainable environment. The recognition of a right to a healthy and sustainable environment would be of particular importance to the rights of children who shoulder a disproportionate share of the burden of pollution and other environmental harm. The current Special Rapporteur on human rights and the environment has defined the vital elements of such a right as: a safe climate, clean air, clean water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems. It is beyond debate that children are wholly dependent on these elements to lead dignified, healthy and fulfilling lives.

Recommendation:

10. States should recognize that children have a basic human right to a healthy and sustainable environment.