

Children's Rights and the Environment

Guidance On Reporting To The Committee On The Rights Of The Child



 terre des hommes
Help for Children in Need



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The environment matters to children.

That clear and vocal message is being sent to decision-makers and the global public by the thousands of children and young people that have marched on the streets and continue to demand more action to protect the climate. As citizens of their countries and the world they claim their right to freedom of expression and to be heard.

In too many instances, the views, rights and interests of children go completely unheard in decisions on the environment, leading to adverse outcomes in terms of children's well-being and development. For this reason, the authors of this guidance believe that it is critical to shed more light on the various links between children's rights and the environment, and to ensure that these connections are reflected in the work of relevant decision-making bodies.

WHAT AND WHO IS THIS GUIDANCE FOR?

This guidance seeks to provide a concise guide to reporting on children's rights as they relate to environmental issues. It is primarily intended to assist civil society organizations from both the human rights and environmental fields with shadow reporting for States' periodic reviews under the Convention on the Rights of the Child (CRC). However, the guidance also provides a basis for wider uptake among other actors as well, for example for national reporting by States themselves, for

international organizations such as UNICEF, and for research and academic institutions. The guidance can also be used as a resource to support reporting on children's environmental rights within the context of other sustainable development and environmental agreements, such as the Paris Agreement and Sustainable Development Goals (SDGs), and to national accountability mechanisms such as National Human Rights Institutions.



WHY REPORT ON CHILDREN'S RIGHTS AND THE ENVIRONMENT?

Environmental risks pose a major threat to children

Significant evidence now attests to the fact that no group is more vulnerable to environmental harm than children. According to the World Health Organization (WHO), approximately **1.7 of the 5.9 million deaths among children under the age of five each year – more than a quarter – are attributable to largely-preventable environmental causes.**¹ For children that survive, environmental harm can lead to irreversible, lifelong and even transgenerational consequences, many of which may not manifest themselves for years or decades. The UN Special Rapporteur² on Toxics has described the effects of pollution as a “silent pandemic” of disease and disability affecting millions of children in every part of the world.³ Air pollution alone kills 570,000 children under the age of five each year as a result of respiratory infections such as pneumonia.⁴ Other leading causes of child deaths, including malaria, diarrheal disease, and injuries such as poisoning, falls and drowning, also have strong links to environmental risks, such as exposure to hazardous chemicals, toxic substances and waste, contaminated water, and the impacts of climate change.

Beyond children's health, climate change and interrelated challenges such as loss of biodiversity and the collapse of ecosystems pose severe and far-reaching threats to a broad range of children's rights. For example, extreme weather events destroy schools and homes, undermining children's rights to education and an adequate standard of living. Children that are displaced in these contexts may become separated from their families, and face heightened risks of exploitation, violence and abuse. Loss of biodiversity and degradation of ecosystems can have devastating effects on livelihoods and subsistence farming, increasing deprivation and inequities among children, and potentially leading to forced migration when traditional ways of life that are closely linked to land or water become untenable. This has implications for children's cultural rights and poses unique challenges for indigenous children in particular. In cities, children's inability to access green and safe spaces, and to interact with the natural world, undermines their right to play and their social, psychological, emotional and physical health and development more broadly.

Children are disproportionately vulnerable

Children are disproportionately affected by environmental harm due to the unique and rapid period of physical and mental development that occurs during childhood, particularly between birth and the age of five. For example, children's developing organs, immune systems and smaller airways are less able to deal with toxic air, contaminated water, vector-borne diseases or heatwaves. Typical behaviors, such as hand-to-mouth activity in young children, and spending longer periods of time playing outdoors, further increase their exposure. Children are also less equipped to recover from psychological trauma they may experience, for example during and after extreme weather events, which may cause injury or the death of loved ones, or separate them from their families. Certain groups of children, such as girls, indigenous children, children with disabilities, and children living in poverty, face the greatest risks of all. For example, poor children often live in degraded environments and close to sources of pollution. Their families rarely have the material resources to cope with such challenges and no access to adequate health care or other remedy.

Children's rights are consistently overlooked in relation to the environment

Despite the scale and gravity of environmental harm on children's rights, a lack of awareness and understanding among both child rights and environmental advocates and decision-makers persists. Human rights obligations, including the CRC, tend to be overlooked in setting and implementing environment-related policies and standards at the national and international levels, despite their relevance. Similarly, laws, policies and actions relevant to children's rights frequently fail to consider environmental factors. The result is a major gap in terms of monitoring, acting and reporting on the impacts and measures required to fulfil child rights in the context of environmental protection, and on progress made. This situation is further compounded by short-term political cycles, which do not tend to prioritize long-term approaches capable of meeting current and future generations' needs.

Children are also among the least empowered groups on environmental issues. They often lack access to basic information and transformative, quality education in this area, and are seldom provided with mechanisms to participate in decision-making, for example in consultations relating to the construction of hydro dams, road construction or new mining projects that will fundamentally affect their lives and communities. When acting and speaking out on environmental issues, children may face severe criticism, patronisation, intimidation, harassment, reprisals and even violence from authorities or corporations⁵. Children also face major barriers in seeking redress, including compensation, for infringements of their rights due to environmental harm. For example, the UN Special Rapporteur on Toxics has noted that the burden is placed on children to prove that a toxic chemical caused their injuries.⁶ In many cases, this burden of proof is virtually insurmountable, implicating States' obligation to prevent exposure in the first place.

Reporting on children's environmental rights will enhance standards & accountability

The CRC is one of the few international human rights treaties to explicitly address environmental issues. Despite this, reporting on environmental harm to the Committee on the Rights of the Child (Committee) remains patchy, and the treaty body has urged States, UNICEF and civil society organizations to gather and submit more evidence and information on this subject.⁷ Increased reporting will improve the understanding of the Committee, States and other actors regarding the connections between child rights and the environment, helping to strengthen coherence between national and global child rights, environmental and development commitments (see section V), and contributing to enhanced standards and accountability. Ultimately, increasing awareness and visibility of the relationship between children's rights and the environment represents a necessary (although not sufficient) step for obtaining action by governments and other relevant actors that guarantees children's right to grow up in a healthy and sustainable environment.



WHAT TO REPORT ON?

The Convention on the Rights of the Child and the environment

There is no independent right to a healthy environment in the CRC but the treaty does explicitly recognize environmental issues in two places:

ARTICLE 24(2)

on the right of the child to the enjoyment of the highest attainable standard of health

provides that:

“States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: [...] to combat disease and malnutrition [...] taking into consideration the dangers and risks of environmental pollution.”

ARTICLE 29(1)

on the aims of education

which stresses that the right to education must include:

“... the development of respect for the natural environment.”

In addition to reporting on environmental issues in relation to these two articles, organizations can also consider a broader approach. A growing body of guidance from the Committee⁸ and other human rights mechanisms identifies a wide range of provisions that closely relate to environmental protection, including the rights to:

ART. 2 **Non-discrimination**

ART. 3 **Best interests of the child**

ART. 6 **Life, survival and development**

ART. 8 **An identity**

ART. 12 **Right to be heard**

ARTS. 13|17 **Freedom of expression and information**

ART. 15 **Freedom of Assembly and Association**

ART. 19 **Protection from all forms of violence and physical and mental integrity**

ARTS. 23|30 **Rights of specific groups of children, including children with disabilities and indigenous children**

ART. 27 **Adequate standard of living, including food, water and adequate housing**

ART. 28 **Education**

ART. 32 **Freedom from exploitation**

ART. 31 **Rest, leisure, play, recreational activities, cultural life and the arts**

Linking the effects of environmental harm to a vast range of children's rights, including the rights to life, development, health, play, water, food, cultural life, and an adequate standard of living, will enable decision-makers to adopt more holistic environmental policies and standards taking into account the real-life conditions of children.

What are the duties of States in relation to child rights and the environment?

The former UN Special Rapporteur on Human Rights and the Environment has noted that **“the human rights obligations of States in relation to the environment apply with particular force to the rights of children, who are especially at risk from environmental harm and often unable to protect their own rights.”**⁹ According to his authoritative report on child rights and the environment, States’ heightened obligations can be categorized as follows:

1. Obligations to protect children from environmental harm

States must take effective measures to protect children from actual and foreseeable environmental harm, including by ensuring that their best interests are a primary consideration with respect to all relevant decision-making. For example, States should:



Collect disaggregated data on the specific effects of environmental harm on children to raise public awareness and inform laws and policies which adequately protect against such harm



Conduct environmental impact assessments of projects or policies that include a careful examination of impacts on children



Adopt and implement environmental laws, standards, policies and action plans that take full account of the ways in which children are more susceptible to environmental harm and/or face barriers to exercising their rights



Include child-specific strategies and programmes when developing and implementing international environmental agreements that address threats to which children are particularly vulnerable.

Obligations in relation to the business sector

States must adequately regulate private actors, including business enterprises, to ensure that they comply with all applicable environmental laws, and do not contribute to abuses of children’s rights.



The Committee on the Rights of the Child has made clear that States should require businesses to carry out ‘child-rights due diligence’ to ensure that they ‘identify, prevent and mitigate their impact on child rights including across their business relationships and within global operations.’¹⁰ States must also ensure that information held by businesses relevant to the health and well-being of children is made publicly available, and that victims of environmental harm caused by businesses have access to effective remedies and timely reparation.¹¹

2. Obligations in relation to education, public awareness, access to information, participation in environmental decision-making and to remedies for harm

Fulfilling these rights helps to ensure that children are empowered to make themselves heard, to be taken seriously in relation to decisions on the environment, and to protect themselves from environmental harm. States should:¹²



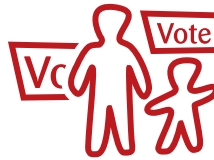
Make information about specific environmental risks for children and how they may protect themselves from those risks publicly available and accessible, including for children;



Provide a safe and empowering environment for child rights defenders acting on the environment, including by promoting a positive narrative around their activities;¹³



Ensure that educational programmes increase children's understanding of environmental issues and strengthen their capacity to respond to environmental challenges, taking into account the culture, language and environmental situation of particular groups of children;



Facilitate the meaningful and equitable participation of children in environmental decision-making processes; and



Protect children's rights to freedom of expression, association and assembly in relation to environmental matters;



Remove barriers that children face to defend their rights in relation to the environment in court.

Applying the best interests of the child principle in the environmental context

The UN Special Rapporteur on Human Rights and Toxics states that "(t)he best interests of the child are best served by preventing exposure to toxic chemicals and pollution, and taking precautionary measures with respect to those substances whose risks are not well understood. Unfortu-

In the context of climate change, the Office of the UN High Commissioner for Human Rights notes that "States must take ambitious measures to minimize the future negative impacts of climate change on children by: limiting global warming to no more than 1.5°C above pre-industrial levels;

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