

Committee on the Rights of the Child (CRC)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva (Switzerland)

Joint NGO Letter for a General Comment on Child Rights and the Environment

September 14, 2017

Dear Ms Winter, dear Ms. Sandberg,

We are writing to express our strong support for a General Comment on Child Rights and the Environment, and to urge you to decide in favor of such a General Comment at the current session of the United Nations Committee on the Rights of the Child.

We believe that a General Comment on Child Rights and the Environment, one of the key recommendations coming out of the 2016 Day of General Discussion, would provide much-needed guidance on state obligations and business responsibilities, convey the relevance of the Convention on the Rights of the Child (the “Convention,” or CRC) to environmental policy makers, and help strengthen linkages between largely separate legal and policy frameworks on child rights and the environment.

Millions of children suffer environment-related violations of their rights under the Convention

Millions of children around the world suffer violations of their rights to life, health, food, water, and other rights because of poor government responses to environmental degradation and climate change. According to the World Health Organization (WHO), 1.7 million children under the age of 5 die annually because they live in an unhealthy environment. Many more suffer lifelong health effects from toxic exposure. Children from marginalized groups and peoples—such as children from indigenous communities—are often particularly affected.¹

¹ World Health Organization (WHO), “10 facts on children’s environmental health,” March 2017, http://www.who.int/features/factfiles/children_environmental_health/en/; United Nations Children’s Fund (UNICEF), “Clear the air for children,” October 2016, https://www.unicef.org/publications/index_92957.html; Human Rights Watch, “Child Rights and the Environment – The Need For Action, Submission by Human Rights Watch to the Committee on the Rights of the Child,” July 22, 2016, <https://www.hrw.org/news/2016/07/22/child-rights-and-environment-need-action>; Terre des Hommes International Federation, “The Neglected Link: The Effects of Climate Change and Environmental Degradation on Child Labour,” June 2017, <http://www.terredeshommes.org/wp-content/uploads/2017/06/CL-Report-2017-engl.pdf> (all accessed September 13, 2017).

Under international law, governments need to address the human rights consequences of toxic pollution, climate change, and other environmental degradation on children. In addition, businesses have a responsibility to prevent harm to children's rights. The CRC lays out strong child rights protections relating to the environment and contains two explicit references to the environment: The Convention links the child's right to the highest attainable standard of health, including the right to nutritious food and safe drinking water, to issues of environmental pollution (art. 24). It also defines environmental education as one of the goals of education (art. 29).

In addition to explicit references, the Convention provides a wide range of protections that can be impacted by environmental harm, including the general principles of the rights to life, survival and development (art. 6), non-discrimination (art. 2), the right to be heard (art.12), and the best interests of the child (art.3) as well as the rights to rest, leisure, play, recreational activities, cultural life and the arts (art.31), freedom from exploitation (art.32), protection from all forms of violence and physical and mental integrity (art. 19), an adequate standard of living (art. 27), food, water and sanitation, housing (arts. 24 and 27), education (art. 28), an identity (art.8), freedom of expression and information (arts. 13 and 17), and effective remedies and reparation.

Inadequate global response to environmental child rights impacts

The global response to child rights abuses caused or exacerbated by environmental degradation has been inadequate. Governments often lack the political will or resources to protect children from environmental harm. In addition, the split between environmental law and human rights law has also contributed to a lack of coordination between agencies dealing with child protection, child health, and environmental issues within both governments and the United Nations. International environmental agreements have long ignored a human rights approach, including the rights of children. For example, environmental treaties such as the Stockholm Convention on Persistent Organic Pollutants and other chemicals conventions do not reference human rights obligations at all, let alone children's rights, despite their relevance. At the national level, environmental laws and policies infrequently address the rights of children. If children are mentioned in environmental laws, they are typically described as a vulnerable group, not as rights holders.

UN agencies such as the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), and the United Nations Framework Convention on Climate Change (UNFCCC) have often failed to coordinate with the United Nations Children's Fund (UNICEF) and other UN agencies with child rights expertise and given insufficient attention to child rights.

Government ministries for the environment often do not coordinate with ministries responsible for child protection or child health, resulting in an absence of child-specific measures. Conversely, international and national government child protection initiatives, for example programs on hazardous child labor or on children's health care, often only superficially touch on environmental concerns. Very few governments are reporting on environmental issues in their review at the Committee on the Rights of the Child.

This neglect for child rights concerns in environmental policies has resulted in poor monitoring of and accountability for violations of child rights that relate to the environment. The lack of monitoring is especially concerning because health effects may not be manifest for years after exposure, e.g. in the case of exposure to carcinogens, and threats to child rights may increase over time. Accountability can also be hampered by the lack of solid data.

The time is ripe for a General Comment on Child Rights and the Environment

A General Comment on Child Rights and the Environment could provide robust guidance to CRC states parties on the relevance of the Convention to environmental issues. It would clarify and spell out state obligations on a wide range of substantive and procedural child rights as they relate to the environment—including, for example, children’s access to environmental information, children’s participation in environmental decision-making, government obligations to protect children from climate change impacts, and the responsibility of businesses to protect child rights in the context of environmental degradation.

Furthermore, a General Comment would convey the relevance of the Convention to a wide range of actors working on child rights and the environment, and thus help strengthen linkages between child rights and the environment—fields that operate too often in isolation from each other.

The time is ripe for explicit legal guidance, as an increasing number of actors recognize that much more needs to be done to protect children from environmental harm, and underlined the need for guidance on child rights and the environment. In 2016-2017, several UN agencies and actors have drawn attention to the issue. The Day of General Discussion organized by the Committee on the Rights of the Child in September 2016 brought together key players—including affected children—provided detailed information on environment-related child rights violations, and highlighted the need for a sustained focus on the issue. Several participants have also called for a General Comment on Child Rights and the Environment.

The Office of the High Commissioner for Human Rights, UNICEF and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes have published reports on child rights and the environment (specifically on climate change and pollution) and made strong recommendations in this regard. In June 2017, the Special Rapporteur on human rights and the environment and UNICEF co-hosted an expert meeting on children’s rights and the environment. The Special Rapporteur will also write the last report of his mandate, to be submitted to the Human Rights Council in March 2018, on the matter.

During the climate talks in May 2017, the UNFCCC organized a high-level technical briefing on child rights and climate change—this was the first time that the Climate Convention Presidency hosted an event on human rights. Similarly, UN Environment, the Food and Agriculture Organization of the UN

(FAO), and other relevant agencies held an event on children's rights and hazardous wastes and pollution during the meetings of the Conferences of Parties to the Basel, Rotterdam, and Stockholm Conventions in May 2017. Such increased interest poses a huge opportunity to provide child rights-related guidance to governments as they move towards implementation of the Paris Agreement, the Sustainable Development Goals (SDGs), and other relevant international conventions and policy frameworks on the environment.

Finally, there is a growing movement of child activists from around the world who have become involved in nature conservation, developing ideas for sustainable lifestyles and raising their voices. Several child and youth activists spoke at the Day of General Discussion about their actions and shared their views on the environment. Concern for the environment is one of the issues children feel most strongly about. According to a UNICEF global poll, 77 percent children and youth think that climate change is one of the most pressing issues for young people today, and 98 percent think that governments need to take urgent action against climate change.

The way forward

This is the moment to capitalize on the unprecedented interest and engagement of stakeholders, including children and youth, to protect children's rights and the environment. A General Comment can provide much-needed guidance in this regard. It would be desirable for the drafting process to start in 2018. This would allow to follow up on the recommendations in the final report by the UN Special Rapporteur on human rights and the environment to the Human Rights Council.

All our organizations are deeply committed to the issue and willing to support the Committee on the Rights of the Child however we can. In particular, our organizations would be willing to provide information on our research relating to child rights and the environment, and give input and comments at all stages of the drafting process. Other relevant actors, including the UN Special Rapporteur on human rights and the environment, have also expressed their willingness to contribute to a General Comment on children's rights and the environment.

In addition, building on its role as lead nongovernmental organization partner for the 2016 Day of General Discussion, Terre des Hommes would be willing to assist with the coordination of the drafting process and provide core funding to cover the expenses of the consultant to draft the General Comment, as well as engagement meetings and consultations with children and youth. Additional funding opportunities will be explored. As an implementing organization with programs in all world regions, Terre des Hommes would also be willing to ensure effective participation of children and youth. Furthermore, Terre des Hommes is planning to coordinate with Child Rights Connect to launch a working group on children's rights and the environment and allow for inclusive coordination among NGO partners.

We look forward to discussing these matters with you soon.

Sincerely,

Human Rights Watch

Terre des Hommes

Biosphere Group (Biosfera) – Think Tank for Sustainable Futures Research

Center for International Environmental Law

Environment Africa

FIAN International

Gezinsbond (Flemish League of Families)

Global Youth Biodiversity Network

Green Asia Network

International Play Association

International Indian Treaty Council

International Society of Doctors for the Environment

Just Planet

Mekong Youth Assembly

National Coalition Germany – Network for the Implementation of the CRC

Odisha Alliance for Child Rights

Our Children's Trust

People's Cultural Centre

World Future Council

Zambia National Child Rights Forum