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**Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

Contents

	Page
I. Introduction .....	3
II. International attention to the relationship between children’s rights and the environment .....	3
III. The effects of environmental harm on the rights of children .....	5
A. The effects of environmental harm on children .....	5
B. Environmental harm and the rights of children .....	9
IV. Human rights obligations relating to the protection of children from environmental harm .....	10
A. Educational and procedural obligations .....	11
B. Substantive obligations to protect children from environmental harm .....	14
C. Obligations of non-discrimination .....	16
V. Future generations .....	17
VI. Conclusions and recommendations .....	18







immune systems are still developing, they are at higher risk of respiratory infections and have less ability to combat them.<sup>9</sup>

17. Ambient air pollution mainly results from factories and vehicles, and household air pollution comes primarily from the use of wood, coal and other solid fuels for cooking and heating. The vast majority of children — about 2 billion — live in areas that exceed the WHO ambient standard for particulate matter, and 300 million children live in areas whose ambient air pollution exceeds international standards by six times or more.<sup>10</sup> Over 1 billion

Children spend more time than adults playing in water bodies that are unclean, and they may be less able than adults to recognize or act upon environmental risks.<sup>22</sup>

21. Between 1990 and 2015, as the number of people without access to an improved source of water fell from over 2 billion to approximately 660 million, the number of diarrhoeal deaths of children under 5 years more than halved.<sup>23</sup> Some waterborne diseases, such as guinea worm, have been nearly eradicated. But much more remains to be done. At least one in every four people around the world still drinks water that is faecally contaminated.<sup>24</sup> Proper management of water sources is also critical to reducing vector-borne diseases such as malaria. Although the number of malarial deaths of children under 5 decreased by more than one half between 2000 and 2015, malaria still caused approximately 300,000 deaths in 2015, accounting for one in every ten child deaths in sub-Saharan Africa.<sup>25</sup>

### **3. Climate change**

22. The Executive Director of UNICEF has stated that “there may be no greater, growing threat facing the world’s children — and their children — than climate change”.<sup>26</sup> As explained in the 2017 OHCHR report (A/HRC/35/13), climate change contributes to extreme weather events, water scarcity and food insecurity, air pollution and vector-borne and infectious diseases, all of which already have severe effects on children.

23. For example, climate change increases the frequency and severity of droughts, and

the effects of climate change on nutrition will result in an additional 7.5 million children who are moderately or severely stunted, and approximately 100,000 additional deaths.<sup>35</sup>

26. The ramifications of climate change for children go far beyond its effects on their health, as disastrous as those may be. As OHCHR has stated, “climate change heightens existing social and economic inequalities, intensifies poverty and reverses progress towards improvement in children’s well-being” (see A/HRC/35/13, para. 50). To give just one example, climate change-induced food insecurity is already increasing the number of marriages of girl children, who are pressured to marry to reduce burdens on their families of origin.<sup>36</sup>

#### 4. Chemicals, toxic substances and waste

27. The 2016 report of the Special Rapporteur on hazardous substances and wastes describes the harms to children from exposure to chemicals, toxic substances and waste. He states that the number of deaths from air and water pollution is only one part of a silent pandemic of disability and disease, much of which may not manifest for years or decades (see A/HRC/33/41, para. 4). The rapid growth of hazardous chemicals in the environment has occurred together with increasing incidence of cancer, diabetes and asthma, among other diseases. More than 800 chemicals have been identified as known or suspected disruptors of the normal functioning of human and/or animal endocrine systems, and humans are most sensitive to endocrine disruption during periods of development, including early childhood and puberty.<sup>37</sup> Children begin their exposure to toxic substances before birth; hundreds of hazardous chemicals have been found in children as a result of their mother’s exposure, resulting in the children being born “pre-polluted” (see A/HRC/33/41, para. 5). He emphasizes that children in low-income, minority, indigenous and marginalized communities are at more risk, as exposure levels in such communities are often higher and are exacerbated by malnutrition, with the adverse effects inadequately monitored (ibid., para. 6).

28. Although the connection between exposure to a particular toxic substance and the harm to an individual is not always traceable, in large part because information about exposure to and effects of these substances is typically not required or provided, some effects are clear. For example, lead poisoning causes irreversible intellectual disabilities in 600,000 children annually (ibid., para. 9). Artisanal and small-scale mining, in which approximately 1 million children participate, commonly employs mercury, which causes lifelong harm to the developing nervous systems of children, as well as contributing to cardiovascular and other diseases.<sup>38</sup> Discarded mobile telephones and other electronic products are often shipped from high-income to lower-income countries. Children are often employed to extract valuable elements from these products, without protective equipment, exposing themselves to toxic substances such as lead, mercury, cadmium, chromium and arsenic.<sup>39</sup>

29. Another increasing source of harm is the use of pesticides, the subject of a recent joint report by the Special Rapporteur on hazardous substances and wastes and the Special Rapporteur on the right to food. They state that exposure to even low levels of pesticides, for example through wind drift or residues on food, may be very damaging to children’s health, disrupting their mental and physiological growth and possibly leading to a lifetime of diseases and disorders (see A/HRC/34/48, para. 24). The effects of pesticides and of chemicals ingested other ways, including through food, may include asthma, cancer and neurological damage.<sup>40</sup>

<sup>35</sup> WHO, *Quantitative risk assessment of the effects of climate change on selected causes of death, 2030s and 2050s* (Geneva, 2014), pp. 80 and 89.

<sup>36</sup> Gethin Chamberlain, “Why climate change is creating a new generation of child brides”, *Guardian*, 26 November 2017; Human Rights Watch, “Marry before your house is swept away: child marriage in Bangladesh”, 9 June 2015.

<sup>37</sup> WHO, “Don’t pollute my future!”, p. 6.

<sup>38</sup> WHO, *Inheriting a sustainable world?*, pp. 81–82.

<sup>39</sup> Ibid., p. 88.

<sup>40</sup> Ibid., pp. 67 and 72.



**5. The loss of biodiversity and access to nature**

30. Biological diversity (biodiversity) is necessary for healthy ecosystems, which in turn are necessary for the full enjoyment of human rights (see A/HRC/34/49). Although everyone in the world depends on ecosystems, some depend more directly than others.

throughout their lives. There can be no doubt that environmental harm interferes with children's rights to life, health and development.

## **2. Right to an adequate standard of living**

34. The Committee on Economic, Social and Cultural Rights has explained that the right to an adequate standard of living is intentionally expansive and that the Covenant includes a number of rights emanating from, and indispensable for, the realization of the right,<sup>47</sup> such as the rights to food, housing and safe and clean water and sanitation. The Convention on the Rights of the Child links the right to the development of children, recognizing the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (art. 27).

35. Environmental degradation obviously interferes with the enjoyment of the rights to food, housing, water and sanitation, and to an adequate standard of living generally. The lack of clean air and water, the exposure to hazardous chemicals and waste, the effects of climate change and the loss of biodiversity not only prevent children from enjoying their rights today; by interfering with their normal development, environmental harm prevents them from enjoying their rights in the future, and often throughout their lives.

## **3. Rights to play and recreation**

36. The Convention on the Rights of the Child recognizes the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts (art. 31). As the Committee on the Rights of the Child has explained, play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence and self-efficacy, as well as physical, social, cognitive and emotional strength and skills.<sup>48</sup> In addition to being of intrinsic value to children, play and recreation are critical to development, facilitating children's capacities to negotiate, regain emotional balance, resolve conflicts and make decisions. Through their involvement in play and recreation, children learn by doing; they explore and experience the world around them; experiment with new ideas, roles and experiences and in so doing, learn to understand and construct their social position within the world.<sup>49</sup>

37. Opportunities for play and recreation depend upon access to a healthy and safe environment.<sup>50</sup> Many children, and the vast majority of children living in poverty, face hazardous conditions when they leave their homes, including polluted water, open waste sites, toxic substances and the lack of safe green spaces.<sup>51</sup> While children will seek out opportunities for play and recreation even in dangerous environments, children who cannot play outside without exposing themselves to such environmental harms cannot fully enjoy their right to play and recreation. Even when their immediate surroundings are safe, the millions of children who live in urban settings often lack access to natural environments.

## **IV. Human rights obligations relating to the prote**





four general principles of the Convention, which should be considered in the interpretation and implementation of other rights.<sup>60</sup>

48. The Committee's point that the views of children may add relevant perspectives and experience is especially relevant with respect to environmental harm.<sup>61</sup> Children are not experts in air pollution, water management or toxicology, but neither are most adults. Once children have reached a certain level of maturity,



56. The discretion of States with respect to the protection of children's rights is further restricted by their obligations under the Convention on the Rights of the Child and other agreements to adopt and implement special measures of protection, assistance and care for

ensure that they identify, prevent and mitigate their impact on children's rights.<sup>80</sup> This due diligence should include careful consideration of the effects of their actual and proposed actions on the rights of children through environmental harm. States must also ensure that information held by businesses relevant to the health and well-being of children is made publicly available.

61. States should cooperate with one another to address the effects of global and transboundary harm on the rights of children.<sup>81</sup> For example, in the negotiation and implementation of multilateral environmental agreements, they should address children's rights, for example by providing that national action plans should include strategies to protect children as well as other vulnerable segments of the population.<sup>82</sup> States should work together to ensure that businesses operating in more than one country comply with their obligations under all applicable domestic laws. The Committee on the Rights of the Child has set out a framework for such cooperation: host States have the primary responsibility to regulate business enterprises operating within their territory, but home States can also have regulatory obligations when there is a reasonable link between the State and the conduct in question. For example, home States in such situations should assist host States with investigation and enforcement; enable access to effective remedies for children and their families who have suffered human rights abuses; and provide that their international assistance agencies identify and protect against harmful effects of any projects that they support.<sup>83</sup>

62. Businesses have direct responsibilities to respect children's rights. To meet these responsibilities, it is necessary, but not sufficient, that businesses comply with domestic laws. Certainly businesses should never seek to evade applicable laws through corruption or other practices, or abuse those laws by, for example, bringing criminal defamation suits against those who oppose their activities. But that is a low bar. To respect the rights of children to be free from environmental harm, businesses should comply with the Guiding Principles on Business and Human Rights; the Children's Rights and Business Principles;<sup>84</sup> and the recommendations of the Committee on the Rights of the Child in its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights. Among other things, they should undertake environmental and human rights impact assessments that examine the effects of proposed actions on children; develop and make public information about the effects of their actions and products on the health and well-being of children; facilitate children's participation, as appropriate, in consultations; seek to strengthen environmental, health and safety standards, rather than lobby against them; and, in general, avoid causing or contributing to environmental harm to children and remediate any such harm when it does occur.

## C.



to indirect discrimination, when facially neutral laws, policies or practices have a disproportionate impact on the exercise of human rights as distinguished by prohibited grounds of discrimination.<sup>85</sup> The Committee on the Rights of the Child has emphasized that the right to non-discrimination does not just prohibit all forms of discrimination in the enjoyment of rights under the Convention, but also requires appropriate proactive measures taken by the State to ensure effective equal opportunities for all children to enjoy the rights under the Convention. This may require positive measures aimed at redressing a situation of real inequality.<sup>86</sup>

65.

issues concerning future generations. While the former is concerned with the long-term as well as short-

