



**Understanding the relationship between children's rights and the environment**  
**WEBINAR SUMMARY**  
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**I. Expert:**

**Jonas Schubert** has been working as a child rights officer at Terre des Hommes in Germany for years, leading the campaign for children's rights to healthy environment. Mr. Schubert is an active member of Forum Menschenrechte, the association of human rights organisations in Germany, and a spokesperson of its working group on human rights, business and development.

**II. Content:**

In his presentation, Mr. Schubert explained the relationship between children's rights and the environment, provided an overview of the latest developments in this field, and outlined how children's rights can inform environmental policy. The relationship between children's rights and the environment is a new, but very important issue that impacts wide range of children's rights, including right to healthy environment, water, culture, food. In this respect, destruction of ecosystem, exhaustion of natural resources and the lack of access to the nature are particularly relevant.

This topic is important since it has lifelong, transgenerational and intergenerational consequences, disability and disease can manifest after years or even decades, and scientific research is yet to show the full extent of some risks. The effects of people's activities remain in the water, food or air for years, and generations of children have been exposed to the effects of the environmental harm. Some environmental harms are localised and affect specific number of children (exposure to contaminated industrial sights, or mining sights), while others can have cross-border or even wider consequences (climate change or waste disposal).

Rights approach to the environment relates to discrimination and children's vulnerability to environmental risks. Children have different characteristics and physiological needs than adults, and exposure to toxic environmental effects during their growth puts them into even greater risk of developing diseases. Also, children are exposed to some risks that adults are not, for example involuntary exposure to risks while breastfeeding, children take objects in their mouth or move in exposure zones, simply by walking nearer to the ground. Furthermore, children can't control their exposures to the risks, and depend on their parents' care and ability to protect them. Finally, they are the least empowered to assess information, to raise their voice and be heard, or access justice. This is also reflected in the environmental laws, which describe children as a vulnerably group, but not as rights holders.

According to recent data, 1.7 million of children per year are killed by environmental treats. This is only a tip of iceberg, as this figure doesn't include children died after the age of five. It is estimated 9 million people die from pollution every year - three times more than from AIDS, malaria and tuberculosis combined, as well as 15 times more than the death from all wars and other forms of violence. This figure of 9 million includes only deaths occurred from the well-established sources of pollution, while the newly emerging pollutants are left out, as their effects are only beginning to be recognized. As a result, this number is likely to be much higher than estimated.



## **A local example of pollution endangering children`s rights**

A lead mine in Kabwe, Zambia, often referred to as Africa`s most toxic city, operated for almost hundred years, largely unregulated, which resulted in severe harm of environment and increased pollution in the surrounding area. A particular problem is extremely high concentration of contaminated dust, which can enter organism by inhalation and spreads easily by wind, resulting in severe harm of the local residents` health, where children are particularly endangered.

Terre des Hommes has been documenting the impact of the situation on the children`s rights, and supported pilot projects to clean up home and play areas in Kabwe. Terre des Homes also submitted a shadow report to the Child Rights Committee, when a review of the implementation of the Child Rights Convention was ongoing for Zambia, and carried out research to document the impact of contaminated dust on children, confirming very high concentration of the pollution in this area.

From 2003 to 2011, the World Bank funded a government program in Kabwe, which was, however, based on a cost-benefit, and not on the human rights approach. Only limited number of children projected to be affected was tested for lead in blood, and not all of the affected children were effectively treated. Treated children were discharged from the program when they reached certain level of lead in blood, even though this level was still far above the WHO threshold.

## **Global examples of pollution endangering children`s rights**

On the global level, there are two issues of particular relevance – air pollution and climate change. Air pollution is responsible for the death of approximately 600 000 children in every 5 years, endangering millions more. Children all over the world suffer from this kind of environmental harm. Air pollution is a major contributing factor to pneumonia, the biggest killer of children, as well as asthma and bronchitis. Vulnerability to air pollution takes different forms during the various stages of childhood, while the effects on children are cumulative, impacting health, social and economic aspects of life.

In relation to the climate change, we often assume climate change will impact children in the future, while in reality children are dealing with the consequences of the climate change as we speak. Children are in a greater risk than adults, being at the same time one of the largest groups impacted by climate change. Recent data shows that over half a billion of children live in areas with extremely high risk of flooding, 150 million children are in high risk of tropical cyclones, and 160 million children live in high drought areas.

## **Children as victims vs. rights holders**

However, children are not just victims of climate change. The Organization of Children`s Trust has pursued legal actions on behalf of the group of children against US government agencies and 50 federal states over the insufficient action to secure stabile climate for all generations and to protect natural resources. In November 2016, a judge in US district court ruled over the objections of US energy industry and government lawyers, acknowledging children`s rights were at stake. This is an important example, as it is difficult for people in general, and especially youth, to assess justice in relation to the environment. It is difficult to prove the causal relationships between impact and effect, especially since often impact will be visible only far in the future.



And while the negative impact of air pollution and climate change on human and children's rights is recognized, there are some factors whose recognition hasn't been achieved yet. Nature deficit order is one of such issues. Children find it increasingly difficult to access spaces where they can get in touch with the nature. Global developments have an influence on quality and quantity of children's contact with nature. At the same time, the absence of nature in child's life is associated with obesity, depression, attention disorder, and it negatively impacts children's emotional health, sense of belonging, respect for the environment. Finally, it is important to mention there are many people imprisoned or prosecuted because of defending their right for healthy environment and access to nature. 158 environmental defenders have been killed only in 2017 for this reason.

### **Steps to protect children's right to the environment**

The UN Convention on the Rights of the Child (CRC) is one of the very few human rights treaties that explicitly refers to the environment, and requires states to take steps to protect the environment. Two articles are especially relevant – the 24<sup>th</sup> article on the right to health and 29<sup>th</sup> article on the right to education. While those articles address some of the relevant child rights, there are some rights yet to be recognised and included.

In recent years significant progress has been made to enhance the understanding of relationship between human rights and the environment in general, and improve protection of those particularly affected, including children. For example, the UN committee on the Rights of the child dedicated its 2016 Day of General Discussion to the children's rights and the environment, with experts and youth from all over the world taking part in the discussion. Several UN experts and agencies had provided reports about children rights and environment in 2016 and 2017. Recently, Special Rapporteur on Human rights produced Guiding principles on human rights and the environment, summarizing the previous work of this institution in this field. This document contains four types of obligations:

- General obligations to protect children and adults against environmental harm, to consider children's rights when developing environmental protection policies on the national level, as well as to prevent discrimination and ensure equal protection against discrimination related to the environment.
- Procedural obligations, such as states' duty to assess environmental impacts that may interfere with human rights, and provide public access to the environmental information.
- Substantive obligations, including duty to establish normative framework, for example air and water quality standards consistent with relevant international standards, and to put in place legal and institutional mechanism to regulate the activities of private and public actors to prevent the destruction of nature.
- Heightened obligations in relation to those who are impacted the most, including children. It requires states to identify vulnerable groups and the ways in which they are being harmed and to put special efforts to protect particularly those vulnerable groups.

In the end, when it comes to the environmental agreements and the implementation of those obligations in practice, children's rights are part of Sustainable Development Goals, but the links to the environment are rather weak. The same applies to the Climate Paris agreement, even though this agreement requires states to consider children's rights when assessing climate change.