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## Human Rights Council

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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Realizing the rights of the child through a healthy environment**

### **Report of the United Nations High Commissioner for Human Rights**

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 40/14, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a report on realizing the rights of the child through a healthy environment. It provides an overview of the effects that environmental factors have on children, international legal obligations, business responsibilities and recommendations for strengthening the protection, promotion and fulfilment of children's rights through a healthy environment.



## I. Introduction

1. In its resolution 40/14, the Human Rights Council decided to focus the next annual meeting on the rights of the child on the theme “Realizing the rights of the child through a healthy environment” and requested the United Nations High Commissioner for Human Rights to prepare a report on that matter in cooperation with all stakeholders. A broad consultation process was performed, through which submissions were received from States, United Nations entities, national human rights institutions and civil society organizations.<sup>1</sup> The present report builds upon the Committee on the Rights of the Child’s recommendations, the reports of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes,<sup>2</sup> the Special Rapporteur on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment<sup>3</sup> and the analytical study of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and the full and effective enjoyment of the rights of the child.<sup>4</sup>

2. Environmental damage, climate change and childhood exposure to pollution and toxic wastes present an urgent challenge affecting all children’s rights. Environmental degradation continues to occur globally due to worsening climate change, deforestation, biodiversity loss and the pollution and deterioration of the Earth’s air, land and water resources.<sup>5</sup> A lack of clean air and water, exposure to hazardous chemicals and waste, the effects of climate change and biodiversity loss prevent children from enjoying their rights today and in the future, as their lifelong health outcomes, well-being and development are compromised.<sup>6</sup>

3. Children are uniquely susceptible to health-related harm from an unhealthy environment due to the physical and mental developmental differences from adults. Every year an estimated 1.7 million children under the age of 5, a quarter of all infant deaths worldwide, die prematurely from modifiable environmental factors, especially air and water pollution and poor sanitation.<sup>7</sup> Twelve million children in developing countries experience permanent brain damage due to lead poisoning and approximately 85 million children worldwide work in hazardous conditions and are regularly exposed to toxic substances causing brain damage and disease.<sup>8</sup>

4. Children bear a disproportionate share of the burden and are subject to immediate and long-term impacts of the effects of climate change and toxic and pollutant exposure, resulting in disease, impairments and mortality.<sup>9</sup> Children’s exposure levels to toxicants and pollutants are much higher than adults as they have faster metabolic rates, proportionally consume more water and food and breathe more air.<sup>10</sup> As their bodies, particularly their nervous and reproductive systems, are still developing, such exposure can have lifelong impacts. Because these effects are often irreversible, they violate children’s rights to life, development, health, food, water, housing, culture, play and education, among others.

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<sup>1</sup> All submissions are available from [www.ohchr.org/EN/Issues/Children/ThematicReports/Pages/RightsHealthyEnvironment.aspx](http://www.ohchr.org/EN/Issues/Children/ThematicReports/Pages/RightsHealthyEnvironment.aspx).

<sup>2</sup> A/HRC/33/41.

<sup>3</sup> A/HRC/37/58.

<sup>4</sup> A/HRC/35/13.

<sup>5</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24738&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24738&LangID=E); World Health Organization (WHO), *Inheriting a Sustainable World?: Atlas on Children’s Health and the Environment* (Geneva, 2017).

<sup>6</sup> Ibid.

<sup>7</sup> WHO, *Don’t Pollute My Future! The Impact of the Environment on Children’s Health*, (Geneva, 2017), p. 1.

<sup>8</sup> Ibid.

<sup>9</sup> A/HRC/33/41.

<sup>10</sup> Catherine Karr, “Children’s environmental health in agricultural settings”, *Journal of Agromedicine*, vol. 17, No. 2 (2012), p. 128.

5. Marginalized children, especially from low-income, indigenous or otherwise excluded communities, are at greatest risk, highlighting the importance of non-discrimination, equality and accountability. Ensuring a clean, healthy and sustainable environment is fundamental to realizing children's rights now and for future generations, and requires prioritizing children's best interests in all environmental management and climate action decisions and eliminating childhood exposure to pollution and toxic substances.

6. Much of the environmental burden of disease on children is completely preventable through decisive and urgent climate action, pollution mitigation, safe disposal of toxic substances and chemical waste, disclosure of information and improved water, sanitation and hygiene. Despite increasing knowledge of the health and development risks of climate change, environmental degradation and exposure to toxins and pollution, children continue not to be protected through effective laws, policies and actions. Environmental protection policies and business actions frequently fail to prioritize children's best interests and persistent gaps in legislation, or weak enforcement where relevant laws exist, render pathways for accountability and redress limited or non-existent.

7. Children's specific vulnerability and social status impose a heightened duty on Governments and policymakers to make sustained efforts to effectively protect children from environmental harm, strengthen their capacities, consider their views and competences and provide access to effective and timely remedies.<sup>11</sup>

8. Businesses and certain industries cause environmental harm to children's rights by producing hazardous products and toxic waste, air, land and water pollution, contributing to climate change and destroying natural ecosystems.<sup>12</sup> The fundamental role of a healthy environment in realizing children's rights must be fully recognized and integrated in legal frameworks and policy actions, and States obligations and businesses' responsibilities relating to environmental impacts on children clarified and implemented effectively, by prioritizing children's best interests in all actions affecting them.

9. Children worldwide, particularly girls, have become key advocates for environmental rights and are exercising their right to participate in defending their right to a healthy and sustainable environment by demanding immediate climate action. Governments should urgently respond to this global child- and youth-led movement, which has resulted in, among other initiatives, the submission of a communication by 16 children to the Committee on the Rights of the Child against five major emitters (Argentina, Brazil, France, Germany and Turkey) for their failure to protect children's health and well-being in their responses to climate change.<sup>13</sup> In another case, *Juliana et al. v. United States et al.*, 21 young people have filed a constitutional lawsuit asserting that actions causing climate change have violated their rights to life, liberty and property.

10. It is only in healthy environments that children can develop, grow and enjoy their rights. As set out in the 2030 Agenda for Sustainable Development, the realization of children's rights through an approach that addresses all dimensions of a healthy environment is crucial to achieving human rights, well-being and a sustainable planet.

## **II. Effects of environmental degradation on children**

### **A. Climate change**

11. The Committee on the Rights of the Child has identified climate change as one of the biggest threats to children's health and is urging States to place it at the centre of

<sup>11</sup> [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.pdf).

<sup>12</sup> Committee on the Rights of the Child, general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, para. 19.

<sup>13</sup> <https://childrenvsclimatecrisis.org/wp-content/uploads/2019/09/2019.09.23-CRC-communication-Sacchi-et-al-v.-Argentina-et-al-Redacted.pdf>.

climate change adaptation and mitigation strategies.<sup>14</sup> The increasing global incidence of climate change threatens children's lives, destroys critical infrastructure and affects children's cultural survival. Globally, approximately 160 million children inhabit areas at risk of drought, 500 million live in flood zones and 115 million are highly exposed to cyclones.<sup>15</sup>

12. The central climate change impacts upon children are extreme weather and natural disasters, water scarcity, food insecurity, air pollution, vector-borne and infectious diseases and mental health issues. Water and food scarcity can lead to irreversible developmental conditions. The World Health Organization (WHO) projects that in 2030 there will be approximately 100,000 additional deaths due to climate change-attributable undernutrition.<sup>16</sup>

13. Use of unsafe water due to water scarcity and floods contributes to communicable diseases such as cholera,<sup>17</sup> to which children are particularly susceptible. Children are the most vulnerable to the climate change-related increase in vector-borne diseases, which constitute a major cause of under-5 child mortality.<sup>18</sup>

14. Climate change heightens social and economic inequalities. Children from indigenous communities, who rely strongly on land, and the poorest families are particularly vulnerable to climatic changes because they lack the resources and the support to adapt.<sup>19</sup>

15. According to the Committee on the Rights of the Child, climate change is the most significant intergenerational injustice of our time. States have clear human rights obligations under the Convention on the Rights of the Child, other human rights treaties and the Paris Agreement under the United Nations Framework Convention on Climate Change to act to protect children's rights from climate change.<sup>20</sup>

## **B. Childhood exposure to pollution and toxic substances**

16. Children's direct and indirect exposure to pollution and toxic substances through the air, ground or water significantly affects their health, development and well-being, violating multiple rights. Children are exposed daily while playing, swimming in local water sources, going to or at school, eating, drinking or working.<sup>21</sup>

17. Hundreds of hazardous chemicals have been found in children due to in utero exposure, compromising their fetal development.<sup>22</sup> Toxic substances are particularly harmful for children because children absorb them at a higher rate and quantity due to their smaller size and rapidly developing physiology.<sup>23</sup>

18. Children who survive harmful exposures to toxic substances risk delayed development and a lifelong disease burden that jeopardizes their rights and long-term prospects.<sup>24</sup> They are at an especially high risk of premature birth, developmental and

<sup>14</sup> Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, para. 50.

<sup>15</sup> United Nations Children's Fund (UNICEF), *Unless We Act Now: The Impact of Climate Change on Children* (November 2015).

<sup>16</sup> WHO, *Quantitative Risk Assessment of the Effects of Climate Change on Selected Causes of Death, 2030s and 2050s* (Geneva, 2014), p. 89.

<sup>17</sup> WHO, *Inheriting a Sustainable World?*, p. 24.

<sup>18</sup> *Ibid.*, p. xi.

<sup>19</sup> UNICEF, *Unless We Act Now*, p. 62.

<sup>20</sup> [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E).

<sup>21</sup> A/HRC/33/41, para. 7.

<sup>22</sup> *Ibid.*, paras. 5 and 28.

<sup>23</sup> *Ibid.*, para. 4.

<sup>24</sup> Principles for evaluating health risks in children associated with exposure to chemicals.

endocrine dysfunction, lifelong respiratory or cardiovascular disease, and cancer in the prenatal and early childhood periods.<sup>25</sup>

19. The rapid rise in pollutants in children's environments has been accompanied by increasing global incidences of cancer, diabetes and asthma, among other health problems. Approximately 800 chemicals are known or suspected disruptors of the normal functioning of human endocrine systems.<sup>26</sup> Humans are most sensitive to endocrine disruption during early childhood and puberty.<sup>27</sup> The connection between childhood exposure to particular toxicants and the associated health and human rights harm is not always traceable, as health effects may not become manifest until much later. Information about the exposure to and effects of these substances is typically not required by law or regulations or provided by the relevant actors, highlighting the importance of accountability and prevention.

20. States must prevent childhood toxic exposure to protect children's rights to life, survival, development, health and bodily integrity.<sup>28</sup> The intrusion of toxic substances into children's bodies cannot be reversed, so prevention must be the primary approach.<sup>29</sup> National policies continue to focus on the risks accompanying exposure rather than on preventing exposure.<sup>30</sup>

### **Air pollution**

21. Air pollution occurs when toxic substances in the air are at levels that pose a health risk. As many as 93 per cent of children live in environments where air pollution exceeds WHO ambient air quality guidelines for particulate matter; 630 million of those are children under 5 years of age. Children in low- and middle-income countries, where household air pollution from cooking and ambient air pollution combined cause more than 50 per cent of acute lower respiratory infections in children under 5, are seriously affected.<sup>31</sup>

22. High air pollution levels are associated with chronic respiratory infections, lung disease, cancer, adverse birth and pregnancy outcomes, asthma and other health issues, as well as lung damage, permanent damage to developing brains and problems in respect of physical, cognitive and neurological development.<sup>32</sup>

23. Air quality continues to deteriorate worldwide while industrialization and urbanization trends continue.<sup>33</sup> Indoor and outdoor pollution levels tend to be highest in developing countries<sup>34</sup> but can be dangerously high also in developed countries.<sup>35</sup>

### **Contaminated water**

24. Water pollution contributes to intestinal and parasitic infections, including schistosomiasis, which gravely affect physical and cognitive development. These infections and diarrhoea impair the digestive system's functioning and prevent the absorption of nutrients essential for growth and development.<sup>36</sup> Unsafe water contributes to food

<sup>25</sup> WHO, *Inheriting a Sustainable World*.

<sup>26</sup> WHO and United Nations Environment Programme, *State of the Science of Endocrine Disrupting Chemicals: 2012* (2013), p. viii.

<sup>27</sup> WHO, *Don't Pollute My Future!*, p. 6.

<sup>28</sup> Committee on the Rights of the Child, general comment No. 13 (2011) on the right of the child to freedom from all forms of violence.

<sup>29</sup> A/HRC/33/41, paras. 29 and 34.

<sup>30</sup> Submission from Child Rights International Network.

<sup>31</sup> WHO, *Air Pollution and Child Health: Prescribing Clean Air* (2018), p. 2.

<sup>32</sup> UNICEF, *Danger in the Air: How Air Pollution May Be Affecting the Brain Development of Young Children Around the World* (2017).

<sup>33</sup> UNICEF, *Clear the Air for Children* (2016), p. 24.

<sup>34</sup> *Ibid.*

<sup>35</sup> <https://unearthed.greenpeace.org/2017/04/04/air-pollution-nurseries/>; <https://newmobility.news/2018/03/15/greenpeace-air-polluted-in-6-out-of-10-belgian-schools/>.

<sup>36</sup> WHO, *Don't Pollute My Future!*, p. 5.

insecurity, malnutrition and negative development<sup>37</sup> and increases other diseases, including trachoma.<sup>38</sup>

25. Water pollution disproportionately affects children’s developing bodies because they drink more water in relation to their body weight, absorb a greater proportion of waterborne chemicals and spend more time in and around unsafe water.<sup>39</sup>

26. Developed and developing countries alike have failed to protect children from contaminated water.<sup>40</sup>

### **Electrical and electronic waste**

27. Electrical and electronic waste, or “e-waste”, results from the rapid increase in consumer electronics and their end-of-life disposal. Electronic components contain toxicants, including those associated with mental and developmental disorders, lung damage and cancer, at all phases: extraction, production of components and processing of e-waste. Children can be exposed in their homes and communities, while working in the processing and recycling of e-waste or while accompanying their parents to recycling places.<sup>41</sup> The majority of e-waste is recycled in the unregulated informal sector and in poorer countries and results in significant risk of toxic exposure for recyclers.<sup>42</sup>

### **Pesticides**

28. Children are particularly vulnerable to pesticide exposure because of developmental, dietary and physiological factors.<sup>43</sup> Children encounter pesticides when they breathe, by ingesting incorrectly packaged pesticide products, products for domestic use and residues in food or water, while in utero and through breastfeeding. Exposure to even low levels of pesticides disrupts mental and physiological growth and can result in lifelong diseases and disorders.<sup>44</sup> Chronic exposure and exposure to high levels of pesticides are associated with adverse impacts on fetal development, fertility and cancer, among other serious health effects.<sup>45</sup>

### **Toxic metals**

29. Lead’s ongoing prevalence in the environment has devastating consequences for children’s health. Children are exposed through former industrial sites, water that passes through lead pipes or solder, mining, lead-based paints and pigments, including house paint, solder in food cans and ceramic glazes.<sup>46</sup> Lead enters the food chain through contaminated water and soil.

30. No level of lead concentration in the blood is safe, and even relatively low lead levels may result in serious health problems,<sup>47</sup> impairing neurological, biological and cognitive functions. The neurological and behavioural effects of lead poisoning are irreversible. High levels of exposure in children attack the brain and the central nervous system, causing fatalities, coma, convulsions, permanent developmental impairments and behavioural problems.<sup>48</sup> Pregnant women risk miscarriages, stillbirths and premature births,

<sup>37</sup> Ibid., *Inheriting a Sustainable World?*, pp. 10–11.

<sup>38</sup> Ibid., p. 26.

<sup>39</sup> Ibid., p. 25.

<sup>40</sup> Submission from Human Rights Watch.

<sup>41</sup> WHO, *Inheriting a Sustainable World?*, pp. 88–91.

<sup>42</sup> Devin N. Perkins and others, “E-waste: a global hazard”, *Annals of Global Health*, vol. 80, No. 4 (2014), pp. 286–295.

<sup>43</sup> James Roberts and Catherine Karr, “Technical report: pesticide exposure in children”, *Pediatrics*, vol. 130, No. 6 (2012), pp. e1765–e1788.

<sup>44</sup> A/HRC/34/48, para. 24.

<sup>45</sup> Ibid., para. 12; UNICEF, “Understanding the impacts of pesticides on children: a discussion paper” (January 2018); submission from PAN Asia Pacific.

<sup>46</sup> WHO, *Childhood Lead Poisoning* (Geneva, 2010).

<sup>47</sup> www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health.

<sup>48</sup> Ibid.

as they transmit lead to the fetus. Acute lead poisoning continues to occur due to poor or no regulation.

31. Mercury is a highly hazardous chemical strictly regulated and managed in many countries. It is released through coal-fired power stations, residential coal-burning, industrial processes, waste incinerators and mining, thereby affecting children in surrounding communities through air, water and soil pollution. The continued release of mercury into the environment and its presence in the food chain severely affects children's health. It causes serious or fatal damage to the nervous, digestive and immune systems, as well as to the lungs, kidneys and other organs.<sup>49</sup> Its organic form bioaccumulates through the food chain, particularly in seafood, causing neurological damage and impaired development in fetuses, infants and young children.<sup>50</sup>

#### **Infant toys and foods**

32. Children's toys often contain high levels of toxic substances such as lead, mercury, arsenic, antimony, cadmium and chromium.<sup>51</sup> A study of children's products in six countries in Eastern Europe, the Caucasus and Central Asia measured toxic metals in 569 children's products, approximately 27 per cent of which contained at least one of the six metals and 13 per cent of which contained more than two.<sup>52</sup> Children are vulnerable because they frequently put toys in their mouths.

33. Children have died and experienced serious health effects from toxic chemicals in infant cereals. High arsenic levels have been found in infant rice cereals and children have been poisoned by ingesting toxic chemicals incorrectly packaged as food.<sup>53</sup>

### **C. Toxic exposure resulting from business activities**

34. Industrial activities may cause significant environmental damage affecting children through exposure to air, soil and water pollution, among others. Chemicals from pesticides, plastics and other manufactured goods enter water supplies and the food chain. Endocrine-disrupting chemicals, which may contaminate food through packaging, have been linked to liver, thyroid and neurodevelopmental effects.

35. The toxicity of many chemicals in common use by industries is still not fully understood and the requirements regulating chemicals are often limited, even for potentially hazardous chemicals. Governments often fail to sufficiently monitor the situation and regulate companies.

36. Children worldwide are exposed to agricultural toxicants and pesticides in nearby communities or through working. Weak or no health, safety and environmental regulations and information of the risks and impacts are factors in such exposure.

37. Children are exposed to toxic substances and pollutants from nearby small- and large-scale mining activities or by working in mines (see child labour below). Pollution from small- and large-scale mining has exposed children in nearby communities to mercury, cyanide, cadmium, chromium, arsenic, lead and dust, all of which have contributed to air pollution and severely affect their health.<sup>54</sup>

<sup>49</sup> [www.who.int/news-room/fact-sheets/detail/mercury-and-health](http://www.who.int/news-room/fact-sheets/detail/mercury-and-health).

<sup>50</sup> [www.epa.gov/mercury/health-effects-exposures-mercury](http://www.epa.gov/mercury/health-effects-exposures-mercury).

<sup>51</sup> WHO, *Inheriting a Sustainable World?*, p. 66.

<sup>52</sup> International Pollutants Elimination Network and GRID-Arendal, "Toxic metals in children's products: an insight into the market in Eastern Europe, Caucasus and Central Asia" (2013).

<sup>53</sup> A/HRC/33/41, para. 88.

<sup>54</sup> WHO, "Artisanal and small-scale gold mining and health", technical paper (2016); submission from Human Rights Watch.

### Child labour

38. Approximately 85 million children are engaged in hazardous labour affecting their health through exposure to toxic substances, agents and processes.<sup>55</sup> Children work with such substances in major global industries, particularly mining, tanning and agriculture. Governments do not in general monitor the impacts of such operations on the rights of these children.

39. Children working in agriculture are exposed to extremely high concentrations of pesticides, which cause severe immediate and long-term health harms, including death. Children working on a variety of agricultural crops worldwide have reported sickness after handling or working in close proximity to pesticides, fertilizers and other chemical agents.<sup>56</sup>

40. Children working in tobacco farming are exposed to nicotine from handling tobacco plants and leaves, leading to acute nicotine poisoning and potential long-term health effects.<sup>57</sup>

41. Children regularly work in dangerous conditions in small- and large-scale mines, often without protective equipment. They work with mercury in artisanal and small-scale gold mines in up to 70 countries. Children report several significant health impacts, including serious, persistent respiratory diseases.<sup>58</sup> Child labourers often have little or no information about the health risks of toxic substances or safety measures to mitigate such risks.<sup>59</sup> Components for smartphones, electric car batteries and other electronic products expose child miners to toxicants.<sup>60</sup>

## D. Intersecting discrimination and inequalities

42. Exposure to environmental health risks is unequal across countries and regions, with a higher burden in developing countries, and within society, often due to discrimination and inequalities based on social or economic characteristics such as income, social status, employment, education, gender, age, disability and ethnicity.<sup>61</sup> Close interlinkages exist between the intersecting inequalities and discrimination that certain groups face and the effects of climate change, environmental degradation and exposure to pollution and toxic substances.

43. Children disproportionately affected include those from indigenous, low-income, rural and marginalized communities, children from developing countries, girls, and children on the move, separated from their families and with disabilities.<sup>62</sup> Children in geographically vulnerable areas, such as riparian and low-lying coastal areas, arid regions, high mountain regions, polar zones and other delicate ecosystems will also be disproportionately affected.<sup>63</sup>

44. The poorest communities are often the site of waste dumps, refineries, power plants, polluting facilities and roads with high traffic volumes, exposing those who live in such communities to higher levels of environmental harm. Indigenous peoples and traditional

<sup>55</sup> [www.ilo.org/global/topics/child-labor/lang--en/index.htm](http://www.ilo.org/global/topics/child-labor/lang--en/index.htm); [www.ohchr.org/Documents/HRBodies/CRC/HLPoliticalForumSustainableDevelopment.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/HLPoliticalForumSustainableDevelopment.pdf).

<sup>56</sup> Submission from Human Rights Watch.

<sup>57</sup> See, e.g., Thomas Arcury and Sara Quandt, "Health and social impacts of tobacco production", *Journal of Agromedicine*, vol. 11, Nos. 3–4 (2006).

<sup>58</sup> Mabel A. Hoedoafia and others, "The effects of small-scale gold mining on living conditions: a case study of the West Gonja District of Ghana", *International Journal of Social Science Research*, vol. 2, No. 1 (2014); submission from Human Rights Watch.

<sup>59</sup> Submission from Human Rights Watch.

<sup>60</sup> [www.amnesty.org/en/latest/news/2016/01/child-labor-behind-smart-phone-and-electric-car-batteries/](http://www.amnesty.org/en/latest/news/2016/01/child-labor-behind-smart-phone-and-electric-car-batteries/).

<sup>61</sup> [www.ohchr.org/Documents/HRBodies/CRC/HLPoliticalForumSustainableDevelopment.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/HLPoliticalForumSustainableDevelopment.pdf).

<sup>62</sup> Human Rights Council resolution 35/20.

<sup>63</sup> A/HRC/35/13, para. 20.

communities that rely on forests, fisheries and other natural ecosystems for their survival and cultural life are deeply affected by damaged ecosystems.<sup>64</sup>

45. The effects of environmental degradation on traditional livelihoods, including food and water scarcity and property destruction, expose girls to greater risks, to exploitation and to harmful practices such as child marriage. Girls are also more likely to miss school because of having to care for elderly relatives and fetch water due to climate change stresses.<sup>65</sup> During natural disasters, children with disabilities may be left behind, as humanitarian responses are often not adapted to their specific needs.

### III. International legal obligations

46. Under the human rights framework, States have clear human rights obligations to prevent the adverse impacts of environmental degradation on the effective enjoyment of all human rights, including children's rights. More than 155 States have recognized a legal obligation to respect, protect and fulfil the right to a healthy environment. In more than 100 countries, the right to a healthy environment enjoys constitutional status and at least 130 States have ratified regional human rights treaties that explicitly include the right to a healthy environment in Africa, Latin America and the Caribbean, the Middle East, parts of Asia and Europe.<sup>66</sup> The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean aims to contribute to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development and requires each party to the Agreement to guarantee the right of every person to live in a healthy environment (arts. 1 and 4). The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters protects the right of every person of present and future generations to live in an environment adequate to his or her health and well-being (art. 1).

47. A safe, clean, healthy and sustainable environment is a fundamental prerequisite for the full enjoyment of all human rights, and the exercise of human rights is crucial for the protection of a healthy environment. The interdependence between human rights and the environment, and States' obligations in this regard, are clearly established in international law and standards. The United Nations High Commissioner for Human Rights, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Executive Director of the United Nations Environment Programme have all called for global recognition of the human right to a healthy environment. States should cooperate for the protection and fulfilment of the human right to a healthy environment and to take the steps necessary to ensure its effective enjoyment by all persons, including children.

48. The right to a healthy environment underpins the rights of all children not only to survive but to thrive and live in dignity. All children should enjoy the rights to breathe clean air, to drink potable water, to inhabit a non-toxic environment and consume uncontaminated food, to live without fear of steadily rising tides and a climate crisis, to enjoy the certainty that the biodiversity of the natural world will remain for future generations and to safely participate in decision-making and access information and justice with respect to environmental matters. The quality of the environment is a fundamental determinant of children's right to health, which depends upon a healthy and diverse

<sup>64</sup> A/73/188, para. 23.

<sup>65</sup> A/HRC/35/13, para. 21; A/73/188; Committee on the Elimination of Discrimination against Women, general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

<sup>66</sup> David R. Boyd, "Catalyst for change: evaluating forty years of experience in implementing the right to a healthy environment", in *The Human Right to a Healthy Environment*, John H. Knox and Ramin Pejman, eds. (Cambridge, Cambridge University Press, 2018); David R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver, University of British Columbia Press, 2012); [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23782&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23782&LangID=E).

ecosystem with clean air, soil and water, which in turn requires stable climatic conditions. The framework principles on human rights and the environment further set out the basic human rights obligations regarding the environment.<sup>67</sup>

49. Significant work on children's rights and the environment has been done by human rights mechanisms in recent years, establishing an understanding of the international legal obligations to protect children's rights through a healthy environment and of the interlinkages between a healthy environment and the effective enjoyment of all human rights.<sup>68</sup>

50. The Committee on the Rights of the Child, which has focused on children's rights and the environment when reviewing State compliance with the Convention on the Rights of the Child, has issued several statements and dedicated its 2016 day of general discussion to that theme.<sup>69</sup> In September 2019, five United Nations human rights treaty bodies issued a joint statement calling upon States to act on climate, as failure to do so may constitute a breach of their obligations under international human rights law. They emphasized children's heightened risk of experiencing health-related harm due to climate change because of their developing bodies.<sup>70</sup>

51. Children's rights are enshrined in the Convention on the Rights of the Child and other international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. When children cannot enjoy their right to a healthy and safe environment, their other rights are seriously affected, including their rights to life, survival and development, to health, to water and sanitation, to an adequate standard of living, including food and housing, to culture, to play, to education, to bodily integrity, to freedom from economic exploitation, to information and to participation.<sup>71</sup> A healthy environment is a key determinant of human health and is necessary for children's enjoyment of all their rights.<sup>72</sup>

*Right to life, the best interests of the child and non-discrimination*

52. According to the Human Rights Committee, States have explicit obligations to prevent the threats that environmental degradation and climate change pose to the effective enjoyment of the right to life.<sup>73</sup> States have heightened obligations under the Convention on the Rights of the Child and other treaties to protect children from environmental harm, ensure that their best interests are taken as a primary consideration (a guiding principle in all actions concerning children) and implement special measures to protect, assist and care for children.<sup>74</sup>

53. States must protect children from harm and ensure their well-being and development, including by considering possible future risk and harm<sup>75</sup> and take precautionary measures against such harm.<sup>76</sup> States must adopt and implement environmental standards consistent with the best available science and relevant

<sup>67</sup> A/HRC/37/59, annex.

<sup>68</sup> A/HRC/33/41; A/HRC/35/13; A/HRC/37/58; A/HRC/41/26; A/74/480.

<sup>69</sup> [www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2016.aspx](http://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2016.aspx);  
[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25068&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25068&LangID=E);  
[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24393&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24393&LangID=E).

<sup>70</sup> [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E).

<sup>71</sup> Convention on the Rights of the Child, arts. 28–29; International Covenant on Economic, Social and Cultural Rights, arts. 13–14; Sustainable Development Goal No. 4.

<sup>72</sup> Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 4; Committee on the Rights of the Child, general comments No. 7 (2005) on implementing child rights in early childhood, para. 10, and No. 15, para. 2.

<sup>73</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life.

<sup>74</sup> Convention on the Rights of the Child, art. 3; International Covenant on Economic, Social and Cultural Rights, art. 10 (3).

<sup>75</sup> Committee on the Rights of the Child, general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, paras. 24 and 71.

<sup>76</sup> Rio Declaration on Environment and Development, principle 15.

international health and safety standards, which are not retrogressive,<sup>77</sup> ensuring that such standards are effectively implemented and enforced.<sup>78</sup>

54. Every child has the inherent right to life<sup>79</sup> and States must ensure the survival and development of the child.<sup>80</sup> Children's right to bodily integrity is enshrined in the Convention on the Rights of the Child and other provisions of international human rights law.<sup>81</sup> Children's exposure to toxic substances violates their bodily integrity, as it occurs without the child's or the parents' free, prior and informed consent.<sup>82</sup>

55. Every child has the right to enjoy human rights and fundamental freedoms on an equal basis, without discrimination, and States must ensure that children disproportionately affected by environmental harm and harmful substances can do so, including by removing indirect and indirect forms of discrimination.<sup>83</sup>

*Health and adequate standard of living*

56. The Convention on the Rights of the Child explicitly calls upon States to take measures to protect children's health from environmental pollution and to ensure environmental sanitation. Every child is entitled to the highest attainable standard of health, including measures to prevent disease and other health impacts and to ensure access to health care.<sup>84</sup> The right to health includes socioeconomic factors and determinants such as food, nutrition, housing, access to safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment.<sup>85</sup> States must realize children's right to health, including the healthy development of the child and the improvement of all aspects of environmental and industrial hygiene.<sup>86</sup> This includes preventing and reducing exposure to harmful substances or environmental conditions that directly or indirectly affect health.<sup>87</sup>

57. All children have the right to a standard of living adequate for their health and well-being, including food, clothing, housing, clean and safe water, and sanitation.<sup>88</sup> States must ensure that environmental determinants affecting food, water and housing are free from toxic substances and do not interfere with health or with other rights.<sup>89</sup>

<sup>77</sup> Committee on the Rights of the Child, general comment No. 15, para. 7; A/HRC/37/58.

<sup>78</sup> Committee on the Rights of the Child, general comment No. 16, para. 61; A/HRC/37/58.

<sup>79</sup> Convention on the Rights of the Child, art. 6; International Covenant on Civil and Political Rights, art. 6.

<sup>80</sup> Convention on the Rights of the Child, art. 6.

<sup>81</sup> Ibid., art. 19; Committee on the Rights of the Child, general comment No. 4 (2003) on adolescent health and development in the context of the Convention, para. 8; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights.

<sup>82</sup> A/HRC/33/41; A/74/480.

<sup>83</sup> Committee on the Rights of the Child, general comments No. 12 (2009) on the right of the child to be heard, paras. 77–78, No. 9 (2006) on the rights of children with disabilities, para. 32, No. 11 (2009) on indigenous children and their rights under the Convention, paras. 35, 39 and 53, and No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, para. 50. See also the Convention on the Rights of Persons with Disabilities, art. 30; Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 7.

<sup>84</sup> Convention on the Rights of the Child, art. 24; International Covenant on Economic, Social and Cultural Rights, art. 12.

<sup>85</sup> Committee on Economic, Social and Cultural Rights, general comment No. 14, paras. 4 and 11; Committee on the Rights of the Child, general comments No. 7, para. 10, and No. 15, para. 2.

<sup>86</sup> International Covenant on Economic, Social and Cultural Rights, art. 12.

<sup>87</sup> Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 15.

<sup>88</sup> International Covenant on Economic, Social and Cultural Rights, art. 11; Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 3.

<sup>89</sup> Committee on Economic, Social and Cultural Rights, general comments No. 4 (1991) on the right to adequate housing, para. 8 (d) and (f), No. 12 and No. 14, para. 12; Committee on the Rights of the Child, general comment No. 15, paras. 48–49.

*Participation, freedom of expression and access to information*

58. All children have the right to be heard and to participate in actions and decision-making that affect their lives, and their views are to be considered in accordance with their age and maturity.<sup>90</sup>

59. Children's right to participate in environmental matters is underpinned by their rights to information,<sup>91</sup> freedom of expression,<sup>92</sup> freedom of association and peaceful assembly,<sup>93</sup> and access to justice.<sup>94</sup> These rights are set out in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and the United Nations Framework Convention on Climate Change.

60. Children must have access to information in formats appropriate to their age, educational level and capacities on all issues concerning them, including their environment, toxic substances and potential or actual health effects.<sup>95</sup> An effective education, including the development of respect for the natural environment (as set out in article 29 of the Convention on the Rights of the Child) is critical to the effective exercise of children's environmental rights.

61. Children environmental human rights defenders should be protected to act and participate in matters affecting them, and States must protect them from violence and other reprisals.<sup>96</sup> Moreover, States must provide a safe and empowering context for initiatives organized by young people and children to defend human rights relating to the environment.<sup>97</sup>

*Prevention and remedies*

62. Prevention is the only way to fully protect children's rights from environmental harms. Under human rights law, States must prevent the initial occurrence of harm, including through effective regulation and enforcement mechanisms such as injunctive relief by judicial tribunals or administrative bodies.<sup>98</sup> When environmental harms do occur, States should ensure timely, effective access to remedies, including through penalties, compensation, judicial action and measures to promote recovery after harm has been caused or contributed to by third parties.<sup>99</sup> Immediate steps must be taken by all to prevent further damage to children's health and development and repair any damage.<sup>100</sup>

63. An effective remedy includes the remediation of contaminated sites, the cessation of actions or inactions causing impacts, the provision of health care, regulations to stop the production and sale of harmful products and the dissemination of information. Remedies should be timely, in order to limit ongoing and future damage, and adapted to the evolving nature of children's development and capacities.<sup>101</sup>

*Freedom from child labour*

64. States must protect children from performing any work likely to be hazardous or harmful to their health or development, including by taking legislative, enforcement and

<sup>90</sup> Convention on the Rights of the Child, art. 12.

<sup>91</sup> *Ibid.*, arts. 13 and 17.

<sup>92</sup> *Ibid.*, art. 13; International Covenant on Civil and Political Rights, art. 19.

<sup>93</sup> Convention on the Rights of the Child, art. 15.

<sup>94</sup> *Ibid.*; International Covenant on Civil and Political Rights, arts. 21–22.

<sup>95</sup> Committee on the Rights of the Child, general comments No. 12 and No. 15, para. 58.

<sup>96</sup> Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, para. 2; A/71/281, para. 7.

<sup>97</sup> Human Rights Council resolution 40/11, para. 14 (e).

<sup>98</sup> A/HRC/33/41, para. 41; A/HRC/37/58, para. 54; A/74/480.

<sup>99</sup> Convention on the Rights of the Child, arts. 32 (2), 19 and 39; General Assembly resolution 60/147; A/HRC/37/59, annex, framework principle 10.

<sup>100</sup> Committee on the Rights of the Child, general comment No. 16, para. 31.

<sup>101</sup> *Ibid.*

other measures to prevent children from handling toxic substances or working in hazardous conditions.<sup>102</sup> The Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization (ILO) recognizes work that harms children's health as one of the worst forms of child labour and requires States to take immediate and effective measures to prohibit and eliminate labour practices harmful to child workers' health or development (arts. 1 and 3). ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190), states that work in an unhealthy environment that may, for example, expose children to toxic substances, agents or processes is damaging to their health and that criminal penalties should apply.<sup>103</sup>

#### IV. States' duties and businesses' responsibilities

65. States have an obligation and businesses a responsibility to identify, prevent and mitigate children's exposure to environmental health risks.

66. States must ensure that legislation, policies and programmes concerning business matters do not directly or indirectly discriminate against children, neither in content nor implementation, including by conducting impact assessments, collecting disaggregated data and establishing monitoring and investigative mechanisms.<sup>104</sup>

67. States must take all necessary, appropriate and reasonable measures to prevent businesses from causing or contributing to children's rights abuses.<sup>105</sup> This includes ensuring they comply with all applicable environmental standards and regularly monitoring business activities' environmental impacts that may affect children's health, food security and access to safe water and sanitation.<sup>106</sup>

68. Children may face additional barriers to justice for environmental harm. Children and their representatives may lack information about the effects of particular harms or the effects may become manifest years after exposure, which may make it difficult or impossible to bring a case, comply with applicable statutes of limitation or fulfil requirements on burdens of proof and persuasion.<sup>107</sup> States should remove such obstacles and ensure that effective collective complaints mechanisms are available, including by allowing collective suits and public interest litigation on behalf of children.<sup>108</sup>

69. States should conduct impartial and independent child rights impact assessments, and require businesses to perform child rights due diligence and identify, prevent and mitigate negative effects of their operations on children's rights, including throughout their business relationships, supply chains and global operations.<sup>109</sup> States must also ensure that information held by businesses relevant to children's health and well-being is publicly available.

##### *Business responsibilities*

70. As established in the Guiding Principles on Business and Human Rights, businesses have a responsibility to respect children's rights, including the right to a healthy environment, in the context of their operations. This responsibility exists independently of and should not diminish States' obligations.<sup>110</sup> In its general comment No. 16, the Committee on the Rights of the Child elaborated on States' obligations under the

<sup>102</sup> Convention on the Rights of the Child, art. 32; International Covenant on Economic, Social and Cultural Rights, art. 10; ILO Convention No. 182, arts. 1 and 3.

<sup>103</sup> Paras. 3 (d) and 13.

<sup>104</sup> Committee on the Rights of the Child, general comment No. 16, paras. 13–14.

<sup>105</sup> *Ibid.*, para. 28.

<sup>106</sup> *Ibid.*, general comment No. 15, para. 49.

<sup>107</sup> [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.pdf), pp. 21–22.

<sup>108</sup> A/HRC/37/58, para. 53.

<sup>109</sup> Committee on the Rights of the Child, general comment No. 16, paras. 62–65 and 78–81.

<sup>110</sup> A/HRC/17/31.

Convention regarding the business sector's impact on children's rights.<sup>111</sup> Multi-stakeholder initiatives such as the Children's Rights and Business Principles have focused on the specific implications of the business responsibility to respect human rights concerning children.<sup>112</sup>

71. According to the Guiding Principles on Business and Human Rights, businesses should apply human rights due diligence to identify potential and actual human rights risks linked to their activities, take effective steps to prevent or mitigate such risks, ensure victims have effective access to complaints mechanisms and remedies, and monitor and report on efforts to prevent and mitigate rights' violations. The Committee on the Rights of the Child stipulates that businesses should respect children's rights throughout their operations, avoid impeding efforts to realize and advance children's rights – directly or indirectly – and engage positively in realizing those rights.<sup>113</sup>

## V. Good practices towards realizing children's rights through a healthy environment

72. Some States, civil society organizations and other actors have already taken measures to realize children's rights through a healthy environment. Several of the good practices highlighted in the submissions received have been included below (paras. 73–103). Existing good practices should be used to inform and enhance national and intergovernmental action.

### International level

73. States parties to the Minamata Convention on Mercury must address mercury emissions, phase out certain mercury-containing products, promote mercury-free gold processing methods and take special measures to protect vulnerable populations from exposure, including children and women of child-bearing age.

74. In 2019, a global initiative for advancing children's right to a healthy environment was established to empower children and youth, increase national, regional and global decision-making on children's rights and the environment, increase stakeholders' capacity to implement children's rights regarding the environment and contribute to standard-setting and policy development.<sup>114</sup>

75. The Declaration on Children, Youth and Climate Action, which was signed by the Governments of Chile, Costa Rica, Fiji, Monaco, Luxembourg, Nigeria, Peru, Slovenia, Spain and Sweden at the twenty-fifth session of the Conference of Parties to the United Nations Framework Convention on Climate Change in December 2019, commits States to accelerate inclusive, child and youth-friendly climate policies and action at the national and global levels, including by enhancing child and youth participation; to advocate for global recognition and fulfilment of children's right to a healthy environment; and enshrine it in regional treaties and frameworks, national constitutions and/or legislation.<sup>115</sup>

76. The Global Compact for Safe, Orderly and Regular Migration includes specific commitments in relation to environmental degradation.<sup>116</sup>

### Regional level

77. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean guarantees the right to

<sup>111</sup> Committee on the Rights of the Child, general comment No. 16.

<sup>112</sup> [www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/CRBP/Childrens\\_Rights\\_and\\_Business\\_Principles.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf).

<sup>113</sup> General comment No. 16.

<sup>114</sup> [www.ohchr.org/Documents/Issues/Environment/SREnvironment/ConceptNoteChildRights\\_EN.PDF](http://www.ohchr.org/Documents/Issues/Environment/SREnvironment/ConceptNoteChildRights_EN.PDF).

<sup>115</sup> [www.voicesofyouth.org/campaign/cop25-join-declaration-children-youth-and-climate-action](http://www.voicesofyouth.org/campaign/cop25-join-declaration-children-youth-and-climate-action).

<sup>116</sup> General Assembly resolution 73/195, annex.

information on environmental issues, informed participation in the process for approving investment projects and removes obstacles to environmental justice, including by requiring support for people or groups in vulnerable situations. It is the first treaty with specific provisions on environmental human rights defenders.

78. In 2017, the Inter-American Court of Human Rights ruled that the right to a healthy environment under the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights protects individuals and collectives, including future generations, and can be used to hold States responsible for cross-border violations within their effective control.<sup>117</sup>

79. The European Court of Human Rights has established that various types of environmental degradation can result in human rights violations.<sup>118</sup> Its jurisprudence requires that States investigate violations and compensate individual victims and that they fulfil their obligation to prevent such violations from occurring through general and precautionary measures to address environmental risks in a systemic manner. Doing so includes carrying out environmental risk assessments and air and water quality controls, passing environmental regulations and planning for emergencies.<sup>119</sup>

80. The European Union has policies ensuring that companies undertake environmental and human rights due diligence and do not contribute to children's rights violations. It has established standards to regulate toxic chemicals and lead, including the Registration, Evaluation, Authorization and Restriction of Chemicals Regulation. Such standards apply, among others, to toxicants used in toys, furniture, clothing and cleaning products. Risk assessments must consider children.<sup>120</sup> Italy and Slovenia report implementing these regulations.<sup>121</sup>

### National level

81. Bolivia (Plurinational State of), El Salvador, Mexico and Paraguay have introduced legislation recognizing children's right to a healthy, ecological and sustainable environment.<sup>122</sup>

82. In the Philippines, the Children's Emergency Relief and Protection Act of 2016 provides for specific measures to protect and educate children in the context of emergencies, ensure their participation in relevant decision-making processes and collect better data.<sup>123</sup>

83. In Viet Nam, a law on environmental protection incorporates the best interests of the child and gender equality in relation to green growth and climate change.<sup>124</sup>

84. In Canada, the Maternal-Infant Research on Environmental Chemicals research platform has contributed important data for improved understanding of chemicals' impact on children's health.<sup>125</sup>

85. Denmark, Saudi Arabia and Slovenia have adopted measures to protect children's health from environmental degradation and chemicals.<sup>126</sup>

<sup>117</sup> Inter-American Court of Human Rights, Advisory Opinion OC-23/17 of 15 November 2017.

<sup>118</sup> [https://www.echr.coe.int/Documents/FS\\_Environment\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Environment_ENG.pdf).

<sup>119</sup> See, e.g., *Tătar v. Romania* (application No. 67021/01), judgment of 27 January 2009.

<sup>120</sup> Submission from the European Union.

<sup>121</sup> Submissions from Italy and Slovenia.

<sup>122</sup> A/HRC/37/58, para. 9.

<sup>123</sup> A/HRC/35/13, para. 44.

<sup>124</sup> *Ibid.*

<sup>125</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24678&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24678&LangID=E);  
[www.canada.ca/en/health-canada/services/environmental-workplace-health/environmental-contaminants/human-biomonitoring-environmental-chemicals/maternal-infant-research-environmental-chemicals-mirec-study/research.html](http://www.canada.ca/en/health-canada/services/environmental-workplace-health/environmental-contaminants/human-biomonitoring-environmental-chemicals/maternal-infant-research-environmental-chemicals-mirec-study/research.html).

<sup>126</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24678&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24678&LangID=E).

86. Georgia has introduced time-bound measures to monitor, control and reduce children's exposure to hazardous chemical substances, including in schools and kindergartens.<sup>127</sup>
87. Italy has introduced initiatives to improve air quality, particularly in schools and other environments frequented by children, and guidelines and training addressing health risks and prevention.<sup>128</sup>
88. Qatar monitors air pollutant levels in governmental schools and has produced guidance on prevention.<sup>129</sup>
89. Slovenia has implemented biomonitoring and preventive programmes in areas of significant environmental degradation to protect children's health, particularly from exposure to lead and other chemicals in kindergartens, schools and private homes.<sup>130</sup>
90. Spain has introduced measures to regulate air pollution and will establish and apply standards to the business sector.<sup>131</sup>
91. Brazil has prohibited all work by children in tobacco and established penalties for farmers and companies purchasing tobacco processed through the labour of children.<sup>132</sup>
92. The Philippines has launched an initiative to stop children aged 15–17 years from working in small-scale gold mining and offered them vocational training in the tourism sector.<sup>133</sup>
93. France requires large companies to conduct due diligence on human rights implications of operations, including children's environmental health rights.<sup>134</sup>
94. The Netherlands has adopted child labour due diligence legislation that requires companies to assess whether their goods have been produced using child labour, create a prevention plan and submit a statement detailing due diligence efforts to the Government.<sup>135</sup>
95. Georgia reports regulating business activities on environmental issues, including through indemnities.<sup>136</sup>
96. In 2017, Malawi adopted a law enabling people to request and obtain vital information such as water-quality testing results.<sup>137</sup>
97. Laws in the United States of America require high-risk industries to provide financial assurances that they have the resources to clean up potential pollution.<sup>138</sup>
98. Many States, including Australia, Azerbaijan, China, El Salvador, France, Georgia, Guatemala, the Philippines, Qatar and Switzerland, as well as the State of Palestine, report having taken measures to improve children's environmental education.<sup>139</sup> In Mexico, the United Nations Children's Fund (UNICEF) and the National Institute of Ecology and Climate Change have developed teaching manuals on climate change that take a children's rights approach.<sup>140</sup>

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<sup>127</sup> Submission from Georgia.

<sup>128</sup> Submission from Italy.

<sup>129</sup> Submission from Qatar.

<sup>130</sup> Submission from Slovenia.

<sup>131</sup> Submission from Spain.

<sup>132</sup> Submission from Human Rights Watch.

<sup>133</sup> Ibid.

<sup>134</sup> [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&categorieLien=id).

<sup>135</sup> [www.eerstekamer.nl/behandeling/20170207/gewijzigd\\_voorstel\\_van\\_wet](http://www.eerstekamer.nl/behandeling/20170207/gewijzigd_voorstel_van_wet).

<sup>136</sup> Submission from Georgia.

<sup>137</sup> Submission from Human Rights Watch.

<sup>138</sup> Ibid.

<sup>139</sup> [https://sustainabledevelopment.un.org/content/documents/24291OHCHR\\_ChildRights\\_Report\\_HLPF\\_July19.pdf](https://sustainabledevelopment.un.org/content/documents/24291OHCHR_ChildRights_Report_HLPF_July19.pdf); submissions from Azerbaijan, El Salvador, Georgia, Guatemala and Qatar.

<sup>140</sup> Submission from UNICEF.

99. Germany promotes child participation in environmental initiatives and has adopted mitigation measures in response to the youth climate activism movement.<sup>141</sup>

100. Egypt, El Salvador and Spain promote children's participation in environmental matters.<sup>142</sup>

101. Oman and Qatar have designated a national day of the environment to raise awareness of and promote children's participation in addressing environmental issues.<sup>143</sup>

102. Egypt and Guatemala report having established gardens in schools and nurseries to improve children's environments.<sup>144</sup>

## VI. Conclusions and recommendations

103. **Environmental degradation, climate change and childhood exposure to toxic and hazardous substances present an urgent challenge and negatively affect children's rights, including the rights to life, survival and development, bodily integrity, physical and mental health, an adequate standard of living, including food, water, sanitation and housing, culture, freedom from child labour, education, play and livelihood. Furthermore, children are often unable to fully realize their rights to freedom of information, participation and access to remedy regarding environmental issues.**

104. **The effects of environmental damage, pollution and toxic substances also intensify social and economic inequalities and poverty and reverse improvements in children's well-being.**

105. **States must urgently act to respect, protect and fulfil children's rights related to environmental damage, pollution and toxic substances, including by meeting their human rights obligations and responsibilities contained in the Convention on the Rights of the Child, the Paris Agreement and other international human rights and environmental instruments.**

106. **All stakeholders must act to ensure coherence in law and policy concerning the effects of environmental damage, pollution and toxic substances on children. This includes better sharing of information and collaboration at all levels and the mobilization of adequate domestic and international resources for effective action.**

107. **States should:**

(a) **Adopt a child-rights approach in designing, implementing and monitoring public health, environmental, consumer and labour laws, standards, policies and programmes, prioritizing the best interests of the child;**

(b) **States should amend laws, standards and policies as necessary, considering that specific groups are at greater risk and must be able to exercise their human rights on an equal basis with others;**

(c) **Integrate the human right to a healthy environment into national constitutions and legislation, and recognize this right at the global level so that it can be enjoyed by everyone everywhere;**

(d) **Take ambitious mitigation measures to minimize the negative impacts of climate change on children to the greatest extent possible and at the very least to limit warming to no more than 1.5°C above pre-industrial levels, in line with the Paris Agreement;**

(e) **Include environmental degradation and toxic substances and pollution related to children's rights in national action plans on business and human rights and**

<sup>141</sup> Ibid; submission from Human Rights Watch.

<sup>142</sup> Submissions from Egypt, El Salvador and Spain.

<sup>143</sup> [https://sustainabledevelopment.un.org/content/documents/24291OHCHR\\_ChildRightsReport\\_HLPF\\_July19.pdf](https://sustainabledevelopment.un.org/content/documents/24291OHCHR_ChildRightsReport_HLPF_July19.pdf).

<sup>144</sup> Submissions from Egypt and Guatemala.

the national policy framework for implementation of the Convention on the Rights of the Child;

(f) Adopt evidence-based measures and good practices, mobilize domestic and international resources and increase technical assistance in line with international human rights laws, norms and standards and the 2030 Agenda for Sustainable Development to ensure that all children, including those most at risk, can exercise their human rights on an equal basis with others;

(g) Strengthen monitoring of the impacts of environmental harm and exposure to toxics and pollution on children, conduct impact assessments, collect disaggregated data, particularly concerning children most at risk, and establish monitoring and investigative mechanisms;

(h) Collect information on the sources and effects of environmental damage and exposure to toxic substances on children and make it publicly available and accessible, including in age-appropriate language and formats;

(i) Provide accessible, age-appropriate environmental education in school curricula aimed at increasing children's knowledge and capacity to respond to environmental challenges;

(j) Facilitate children's meaningful participation in environmental and human rights decision-making processes and protect them from reprisals for their participation or otherwise expressing their views on environmental matters;

(k) Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(l) Ensure that children have access to justice and to effective and timely remedies for toxics exposure and environmental degradation and that the mechanisms for ensuring such access are age-appropriate and take into consideration children's needs;

(m) Prioritize preventive and precautionary measures, including remediation of contaminated sites, regulation of production and sale of products, access to necessary medical and psychological care, and adequate compensation;

(n) Strengthen regulation and ensure enforcement of human rights and environmental harm in the context of business activities, including through the introduction of specific legislation;

(o) Require businesses to undertake child rights due diligence, ensure that children are not exposed to toxics and environmental degradation in the context of business activities, both domestically and extraterritorially, in line with the Guiding Principles on Business and Human Rights and the Committee on the Rights of the Child's general comment No. 16, and take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when abuses occur within their territory and/or jurisdiction those affected have access to effective remedy;

(p) Eliminate work exposing children to toxic substances and ensure that women and girls of reproductive age are guaranteed protection from occupational exposure to toxics and access to alternative preventive measures;

(q) Increase and strengthen intersectoral cooperation and strengthen regulatory agencies and ministries responsible for the oversight of standards relevant to children's rights affected by exposure to toxics and environmental degradation, including health, consumer protection, education, environment, food and labour, to ensure they adopt a child-rights approach.

108. Businesses should:

(a) Identify, prevent and mitigate exposure by children to toxicants and environmental degradation through their activities, products or business relationships, including global supply chains and other international relationships;

carry out environmental and human rights impact assessments that examine the effects of proposed actions on children and fully respect children's rights standards, in accordance with the Guiding Principles on Business and Human Rights; and incorporate into their operations the guidance contained in the Committee on the Rights of the Child's general comment No. 16 and the Children's Rights and Business Principles;

(b) Ensure that effective grievance mechanisms are available;

(c) Provide information on the risk of exposure to and hazards of industrial chemicals, pesticides and other hazardous substances that they manufacture and sell, and ensure that such information is easily accessible and available to everyone;

(d) Communicate publicly and objectively on measures taken to mitigate potential childhood exposure and environmental damage in the context of business activities;

(e) Use safer alternatives, where they exist, to mitigate human rights impacts and, where there are no alternatives, actively invest in developing and adopting safer alternatives and mitigation measures.

109. The United Nations High Commissioner for Human Rights should invite the Committee on the Rights of the Child to provide further normative and practical guidance on children's rights and the environment, including through a new general comment.

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