



General Assembly

Distr.: Limited
5 October 2020

Original: English

Human Rights Council

Forty-fifth session

14 September–7 October 2020

Agenda item 3

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

Albania,* Argentina, Armenia, Austria, Bahamas, Barbados,* Belgium,* Belize,* Bolivia (Plurinational State of),* Brazil, Bulgaria, Canada,* Chile, Colombia,* Costa Rica,* Croatia,* Cuba,* Cyprus,* Czechia, Denmark, Dominican Republic,* Ecuador,* El Salvador,* Estonia,* Fiji, Finland,* France,* Georgia,* Germany, Greece,* Guatemala,* Guyana,* Haiti,* Honduras,* Hungary,* Iceland,* Ireland,* Italy, Jamaica,* Kazakhstan,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives,* Malta,* Marshall Islands, Mexico, Montenegro,* Namibia, Nepal, Netherlands, Nicaragua,* North Macedonia,* Panama,* Paraguay,* Peru, Philippines, Poland, Portugal,* Romania,* San Marino,* Sierra Leone,* Slovakia, Slovenia,* Spain, Sweden,* Tunisia,* Ukraine, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

45/... Rights of the child: realizing the rights of the child through a healthy environment

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the international legal foundation for the respect, protection and fulfilment of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolutions 40/14 of 22 March 2019 and 43/22 of 22 June 2020, and Assembly resolution 74/133 of 18 December 2019,

Welcoming the convening of commemorative events to celebrate the thirtieth anniversary of the adoption of the Convention on the Rights of the Child, and the progress made over the years in safeguarding the rights of the child,

Recalling all other relevant international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All

* State not a member of the Human Rights Council.



Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

Reaffirming also that the Convention on the Rights of the Child requires its States parties to pursue the full implementation of the rights of the child to the enjoyment of the highest attainable standard of physical and mental health by taking measures to, inter alia, combat disease and malnutrition, including through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution, and that States parties have agreed that the education of the child shall be directed to, among others, the development of respect for the natural environment,

Recalling the 2016 Day of General Discussion of the Committee on the Rights of the Child, which focused on the contents and the implications of the Convention on the Rights of the Child with regard to environmental matters, and taking note of its outcome report and recommendations,

Welcoming the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular the work of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed conflict, and notes with appreciation their most recent reports submitted to the Council,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching, indivisible and people-centred set of universal and transformative Sustainable Development Goals and targets, and the commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner and to realizing the human rights of all, leaving no one behind and reaching those furthest behind first, and recognizing that the realization of the rights of the child through a healthy environment is crucial to achieving the goals outlined in the 2030 Agenda for Sustainable Development, namely human rights for all, well-being and a sustainable planet,

Noting the Secretary-General’s “A Call to Action for Human Rights”, which calls for, inter alia, creating space for young people to participate in shaping the decisions that will affect their future, including but not limited to environmental protection, protecting human rights defenders and environmental activists, particularly young people, women and girls, and raising awareness and enhancing education that prepares young people for the future they face, including climate change-related curricula at all levels of primary and secondary education,

Reaffirming that States have the obligation to respect, protect and fulfil human rights, including in all actions undertaken to address environmental harm, such as loss of biodiversity, climate change, pollution and exposure to hazardous substances and wastes, and to take measures to protect the rights of all, including the rights of the child, and that additional measures for those who are particularly vulnerable to the effects of environmental harm should be taken,

Recalling States’ obligations and commitments under multilateral environmental instruments and agreements, including on climate change,

Recalling also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national

circumstances, while stressing that the principle does not apply to States' human rights obligations,

Profoundly concerned that children in many parts of the world remain negatively affected by the adverse impact of environmental harm, including climate change, persistent drought and extreme weather events, environmental disasters, land degradation, sea level rise, coastal erosion and ocean acidification,

Expressing concern that millions of children worldwide continue to grow up deprived of parental care, separated from their families for many reasons, including due to natural disasters, the adverse impact of climate change and different forms of environmental harm,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, that the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted, including in the context of natural disasters, the adverse impacts of climate change or other forms of environmental harm,

Recognizing the particular vulnerability of children, due to their unique metabolism, physiology and developmental needs, to the effects of environmental harm, especially to pollution of the air, soil and water, and exposure to hazardous substances and wastes, and that exposure to those effects can have a lifelong impact on children, as their health outcomes, well-being and development are compromised from early age,

Deeply concerned that, each year, more than 1.7 million children under the age of 5 lose their lives as a result of avoidable exposure to the effects of environmental harm, while 12 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, which cause brain damage and disease and an array of other forms of harm, some of which can result in irreversible and lifelong effects, such as impairment,

Recognizing that environmental harm, including climate change, exacerbates environmental disasters, which can deprive affected persons of essential livelihoods and generate displacement and migration, including of unaccompanied children and young persons,

Deeply concerned that the effects of environmental harm may undermine the full enjoyment of a vast range of the rights of the child, inter alia the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, the right to education, the right of the child to be cared for by his or her parents, the right to rest and leisure, to engage in play and recreational activities, and the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Recognizing that close interlinkages exist between intersecting forms of discrimination and the inequalities faced by children and their level of exposure to the effects of environmental harm, and the unequal exposure to environmental health risks across countries and regions, with a higher burden in developing countries,

Recognizing also that girls may be disproportionately affected by the effects of environmental harm, inter alia concerning the enjoyment of their rights to education and to the highest attainable standard of physical and mental health, including sexual and reproductive health, and stressing the importance of protecting them from violence, exploitation and harmful practices, including, inter alia, child, early and forced marriage and female genital mutilation, and of ensuring their full, equal and meaningful participation in decision-making affecting their lives,

Recalling that discrimination against girls violates the principle of equality, and that all measures designed and implemented to prevent and address environmental harm should

adhere to the principles of substantive equality and non-discrimination, including by taking into account and addressing pre-existing gender inequalities,

Recognizing that children with disabilities may be disproportionately affected by the effects of environmental harm and that specific measures may be required to ensure their protection and safety on an equal basis with others, while recognizing also the need to support the participation and inclusion of children with disabilities, and their representative organizations, in the development of and decision-making processes relating to such measures,

Recalling that every child has the right to the enjoyment of the highest attainable standard of physical and mental health, which includes States taking measures to combat and prevent disease and its impact on health and ensuring access to health-care services, and inter alia preventing and reducing exposure to harmful substances or environmental conditions that directly or indirectly affect their health,

Expressing concern that epidemics and pandemics, and the unintended consequences of public health measures to combat them, can undermine the rights of the child, especially of children that are already in a vulnerable situation due to environmental harm, while underscoring that a healthy environment is an effective way to prevent epidemics and pandemics and to protect human rights, including the rights of the child,

Expressing concern also that children continue to be exposed to pollution, waste and hazardous substances, whether on their own or in mixtures, including through secondary products and processes related to business and industrial activities and nearby small- and large-scale mining activities, as well as through the use of pesticides to combat undesirable organisms, including in agriculture, and that approximately 73 million children are engaged in hazardous labour related to these activities, with the number of youngest children in hazardous labour increasing, thereby seriously affecting children's health, well-being and development,

Acknowledging ongoing discussions in the International Law Commission on the toxic remnants of war, and concerned at the possible threat that they pose to the full enjoyment of the rights of the child,

Recalling that, while States shall respect, protect and fulfil human rights and have the duty to take the necessary measures to prevent the exposure of children to pollution, hazardous substances and wastes, business enterprises have a responsibility to respect the rights of the child, including by conducting human rights due diligence appropriate to their size and circumstances, the risk of severe impact and context of their operation, with a view to preventing or mitigating adverse impacts on the rights of the child through actions directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts, and to remediating contamination,

Expressing concern that children impacted by the effects of environmental harm are often unable to fully exercise their rights to freedom of expression, freedom of association and peaceful assembly, or to have access to an effective remedy, and underscoring that States have a duty to ensure effective remedies for violations of the rights of the child, that children have access to information in child-friendly formats, and that every child capable of forming his or her views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, including in environmental decision-making processes that may be relevant to his or her life,

Recognizing the importance of public access to environmental information and education to enable children to understand environmental risks and the effects of environmental harm on the enjoyment of their rights, and the crucial nature of accessible and age-, gender- and disability-responsive information in this respect,

Recognizing also the positive, important and legitimate role played by children and by child- and youth-led movements that defend human rights relating to a healthy environment, and deeply concerned that they may be among those most exposed and at risk, and recognizing the need to protect them,

Underscoring the importance of protecting children from the adverse impact of environmental harm through decisive climate action, including through mitigation and adaptation to climate change, the conservation and sustainable use of biodiversity, pollution mitigation, the sound management of hazardous chemicals throughout their life cycle and the safe disposal of wastes, the disclosure of information and improved and affordable water, sanitation and hygiene,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on realizing the rights of the child through a healthy environment;¹

2. *Urges* States to respect, protect and fulfil the rights of the child, without discrimination of any kind, including in efforts to implement their obligations and commitments under multilateral environmental instruments and agreements, and to achieve the Goals and targets of the 2030 Agenda for Sustainable Development;

3. *Acknowledges* the vital importance of ensuring that every child of present and future generations can enjoy an environment adequate to their health and well-being, and that preventing environmental harm is the most effective way to fully protect children from its effects;

4. *Urges* States to take the necessary measures to ensure the full enjoyment by children of all their human rights and fundamental freedoms, and to protect them from the effects of environmental harm through effective regulation and enforcement mechanisms, including by:

(a) Ensuring that the best interest of the child is a primary consideration in environmental decision-making by adopting a child rights-based approach and by recognizing the critical importance of child rights impact assessments of relevant laws, standards and policies to evaluate their actual impact on the rights of the child;

(b) Committing to take precautionary action whenever there are threats of serious or irreversible damage to children from the effects of environmental harm, noting that a lack of full scientific certainty shall not be used as a reason for postponing cost-efficient measures to prevent such threats;

(c) Considering recognizing a right to a healthy environment in national legislation in order to promote justiciability, strengthen accountability and facilitate greater participation, improving environmental protection and performance and ensuring rights for present and future generations;

(d) Enhancing cross-sectoral cooperation and strengthening regulatory agencies and ministries responsible for overseeing standards relevant to the rights of the child implicated by exposure to pollution, hazardous substances and wastes, climate change and the loss of biodiversity with a view to ensuring that sufficient monitoring of laws, policies and implementation mechanisms are in place to protect children from the effects of such environmental harm;

(e) Strengthening efforts to monitor childhood exposure by collecting information on the impact of environmental harm on children, in particular exposure to hazardous substances, wastes and pollution, also taking into account the ways in which environmental harm affects boys and girls differently by ensuring that child-rights impact assessments are gender-differentiated, and making such information publicly available and accessible, while ensuring it is available also in age-responsive language and formats;

(f) Taking immediate and effective measures to eradicate forced labour and to secure the prohibition and elimination of the worst forms of child labour, including hazardous child labour, and putting an end to child labour in all its forms, inter alia through the enforcement of the fundamental principles and rights at work and by eliminating work by children where they are exposed to hazardous substances and wastes, while ensuring that children who have been subjected to such exposure have access to the necessary treatment and compensation;

¹ A/HRC/43/30.

(g) Integrating gender-responsive measures into their laws, policies and programmes relevant to the protection of children from the effects of environmental harm, including addressing sexual and gender-based violence risks;

5. *Also urges* States to ensure that children enjoy the right to the highest attainable standard of physical and mental health, without discrimination of any kind, including sexual and reproductive health, throughout their life course, by inter alia:

(a) Ensuring the availability, quality, accessibility and acceptability of health information and goods, and of health-care services;

(b) Taking measures to ensure that the underlying determinants of health, such as food, water and housing, are free from hazardous substances;

(c) Identifying and eliminating sources of exposure of children to indoor and outdoor air pollution and substances of high concern, such as heavy metals and endocrine disrupting chemicals;

(d) Ensuring that all children, in particular girls, are guaranteed protection from occupational exposure to hazardous substances and wastes;

(e) Taking all necessary measures to protect children from the health, social, and economic consequences of epidemics and pandemics by integrating the rights of the child into national contingency and recovery plans;

6. *Further urges* States to take effective measures to ensure that all children in vulnerable situations can exercise their rights on an equal basis with other children, and that the effects of environmental harm do not affect them disproportionately, including by strengthening the collection of disaggregated data, by requiring that childhood exposure monitoring and children's rights impact assessment procedures take fully into account the impact of proposed policies, programmes and projects on those in the most vulnerable situations, including their gender dimensions, and by providing children at particular risk and their parents, or primary caregivers and legal guardians with assistance in accessing effective remedies;

7. *Urges* States to ensure that children have access to justice and timely, effective, inclusive and gender- disability- and age-responsive remedies when exposed to violations or abuse of their rights through the effects of environmental harm, including by providing relevant information concerning violations and reparation mechanisms, access to independent complaints procedures that are child sensitive, and ensuring effective and prompt reparation of harm suffered and prevention of future violations, inter alia through the remediation of contaminated sites, the cessation of the acts or inaction that give rise to negative impacts, the provision of necessary medical and psychological services and care, the enacting of regulations to stop the production and sale of harmful products and by providing adequate compensation;

8. *Calls upon* States to consider ratifying the Convention on the Rights of the Child and the Optional Protocols thereto, and calls also for renewed efforts towards its full implementation by all parties;

9. *Urges* States to create opportunities for children's inclusive and meaningful participation, in accordance with their evolving capacities, in environmental decision-making processes that are likely to affect their development and survival, including by ensuring girls' meaningful participation in such processes on an equal basis with boys, by:

(a) Taking affirmative action to respect, protect and fulfil the rights of the child to freedom of expression, freedom of association and freedom of peaceful assembly;

(b) Developing consultative mechanisms and ensuring that mitigation and adaptation measures are developed with the best interest of the child as a primary consideration, based upon participatory, evidence-based decision-making processes that take into account the views of children;

(c) Providing a safe and empowering context for initiatives organized by children and child- and youth-led movements that defend human rights relating to a healthy, safe and

sustainable environment, ensuring their protection from all acts of intimidation, harassment and abuse;

(d) Providing for environmental education throughout the educational process of pupils to increase their awareness and understanding of environmental issues and their respect for the natural environment, and to strengthen their knowledge and capacity to respond to environmental challenges, while at all stages of such education taking into account children's culture, language and environmental situation and by considering the adoption of environmental education strategies and curricula;

(e) Providing training on environmental issues to school teachers as to allow them to carry out effective teaching on environmental issues and challenges;

(f) Ensuring the availability and accessibility of adequate and age- and disability responsive information on the effects of environmental harm, including pollution, hazardous substances and wastes, the loss of biodiversity and climate change on their impact and adaptive responses, and about appropriate lifestyle choices for sustainable development, including consumption behaviours;

(g) Increasing public awareness to promote community engagement and child creativity and knowledge, and strengthening cooperation, joint efforts and knowledge exchange to engage all stakeholders and to create partnerships to respond collectively to environmental challenges;

10. *Also urges* States to take all necessary, appropriate and reasonable measures to prevent businesses from causing or contributing to children's rights abuses, including by:

(a) Regularly monitoring business activities' environmental impacts and ensuring that they comply with all applicable health and safety, labour, environmental and consumer laws and standards, and where relevant strengthening regulation to ensure enforcement of the rights of the child in the context of business activities and environmental harm;

(b) Requiring businesses to undertake child rights due diligence, appropriate to their size, the risk of severe impact and the context of their operations, and ensuring that businesses meet their obligation to respect the rights of the child throughout their operations;

(c) Developing and updating national action plans on business and human rights that include consideration of the effects of environmental harm, particularly the adverse impact of business activities on the rights of the child through exposure to pollution, hazardous substances and wastes;

(d) Taking steps to ensure, through judicial, administrative, legislative or other appropriate means, that when abuses of the rights of the child occur within their territory and/or jurisdiction, those affected have access to an effective remedy, without fear of reprisals;

11. *Calls upon* all business enterprises to meet their responsibility to respect the rights of the child by undertaking child rights due diligence, appropriate to their size, the risk of severe impact and the context of their operation, to identify risks and to prevent children from being exposed to the effects of environmental harm through their activities, and to prevent and mitigate exposure through their business relationships, as outlined in the recommendations of the Committee on the Rights of the Child in its general comment No. 16 (2013), the Guiding Principles on Business and Human Rights, the International Labour Organization Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the Children's Rights and Business Principles;

12. *Calls upon* States to increase cooperation to address the effects of environmental harm on the rights of the child, including by sharing information on the hazardous properties of chemicals, such toxicity and other characteristics of concern, and of products containing them, by ensuring that international trade in chemicals and waste is in full compliance with the relevant environmental treaties, and by adhering to their human rights obligations;

13. *Urges* States to ensure that considerations of the rights of the child are integrated in their environmental, climate, disaster risk reduction, humanitarian and

development activities, monitoring and reporting, and also to ensure policy coherence in these fields in order to establish a coherent approach to sustainable development that benefits all persons, particularly children and future generations;

14. *Calls upon* States to develop ambitious mitigation measures to minimize the future negative impacts of climate change on children to the greatest extent possible by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and by pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, to develop adaptation plans and to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development, in accordance with the commitments undertaken by each State under the Paris Agreement and the United Nations Framework Convention on Climate Change, and to consider their respective obligations regarding the rights of the child and intergenerational equity in their climate change adaptation and mitigation and environmental strategies;

Follow-up

15. *Encourages* the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective while implementing their mandates, and to include in their reports information, qualitative analysis and recommendations on the rights of the child, paying attention to the adverse impact of environmental harm on the full enjoyment of those rights;

16. *Invites* all human rights treaty bodies to continue to integrate the rights of the child into their work, in particular in their concluding observations, general comments and recommendations, paying attention to the adverse impact of environmental harm on the full enjoyment of their right;

17. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual full-day meeting on the theme “the rights of the child and the Sustainable Development Goals”, and requests the Office of the United Nations High Commissioner for Human Rights to make the discussion fully accessible to persons with disabilities, to prepare a summary report on the annual day discussion and to present it to the Human Rights Council at its forty-eighth session;

18. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the right of the child to family reunification, in close cooperation with all relevant stakeholders, including States, the United Nations Children’s Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including through consultations with children themselves, and to present the report to the Human Rights Council at its forty-ninth session with a view to providing information for the 2022 annual day of discussion on the rights of the child, and requests the Office of the High Commissioner to make the discussion fully accessible to persons with disabilities.