

**UNICEF's submission to the UN Special Rapporteur on Human Rights and the Environment:
The environment and the rights of the child
September 2017**

1. Please provide specific examples of legislation, policies and programmes in relation to the protection of children's rights from environmental harm.

UNICEF is collaborating with Governments around the world to support implementation of a child rights based approach to environmental harm through legislation, policies and programmes. Case studies relating to child-centred climate action can be found in our report [Children and the Changing Climate](#).¹

Please also refer to *UNICEF's written submission to the study of the UN Office of the High Commissioner for Human Rights on climate change and the full and effective enjoyment of the rights of the child* (Question 3): <http://www.ohchr.org/Documents/Issues/ClimateChange/RightsChild/UNICEF.docx>.

Other examples of laws, policies and programmes:

- J To support action to limit citizen's exposure to air pollution, including that of children, the Government of India has expanded air quality monitoring and research. It now provides location-specific near real-time air quality data and forecasts for its largest cities. UNICEF is supporting programme partners in Jaipur in measuring the impact of pollution on the breathing capacity of children and advises citizens on the risks of air pollution and how to limit exposure and its adverse effects. A mobile van and app help reach citizens with the new service.²
- J Additional examples of initiatives related to the protection of children's rights from the impacts of air pollution in Bangladesh, Zimbabwe and Mongolia can be found in UNICEF's report *Clear the Air for Children* (2016), pp. 52-53.³

2. Please provide specific examples of good practices in environmental-related matters in the fulfilment of obligations to protect and promote children's rights. Such examples may include practices related to: promoting the enjoyment of children's human rights in general (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); guaranteeing procedural rights of children (e.g., rights to information, participation and access to remedy); protecting children's freedom of association and expression in this context; monitoring children's rights affected by environmental related legislation, programmes and projects (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); protecting children from adverse impacts related to environmental degradation and, in particular, children of indigenous and other minority communities; promoting children's rights to environmental education and to play.

Please refer to *UNICEF's written submission to the study of the UN Office of the High Commissioner for Human Rights on climate change and the full and effective enjoyment of the rights of the child* (Question 5) which provides examples of best practice in effectively engaging children in decision-making processes and climate action: <http://www.ohchr.org/Documents/Issues/ClimateChange/RightsChild/UNICEF.docx>.

An additional example includes the Child-Led Environmental Education Initiative (CLEEN) in Albania, a joint project between the Ministry of Education and Sport, the Ministry of Environment, Forests and Water Management, and UNICEF, which aims to embed compulsory environmental education in primary

schools in order to raise awareness and encourage environmental stewardship among children and communities.⁴

3. Please specify, where relevant, challenges your Government has experienced in the integration of children's rights protection in environmental-related matters (and vice-versa).

Not applicable.

4. Please provide specific examples related to the regulation of corporations and other non-State actors in relation to the protection of children's rights from environmental harm and the fulfilment of their obligations in this regard.

In 2014, UNICEF commissioned action research with mining companies to identify and analyse the sector's impacts on children's rights and better understand how companies are currently managing these impacts. The resulting *Child Rights and Mining Toolkit: Best practices for addressing children's issues in large-scale mining*⁵ sets out good practices in the regulation of corporations and other non-state actors in relation to the protection of children's rights from environmental harm, and in the fulfilment of corporations' responsibility to respect the rights of children in relation to environmental harm.

In addition, specific examples in which the impact of corporate activities on the environment has been recognized to impact on child rights include cases relating to industrial pollution in La Oroya, Peru, and land use in Kenya. Please refer to *UNICEF's written submission to the Committee on the Rights of the Child for the Day of General Discussion on 'Children's Rights and the Environment', 23 September 2016* (Question 4): <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/UNICEF.pdf>.

5. Please specify, where relevant, any laws or policies referring to the rights of future generations in relation to environmental matters.

Please refer to *UNICEF's written submission to the study of the UN Office of the High Commissioner for Human Rights on climate change and the full and effective enjoyment of the rights of the child* (Question 4c) which provides recommendations on the actions necessary to promote intergenerational equity: <http://www.ohchr.org/Documents/Issues/ClimateChange/RightsChild/UNICEF.docx>.

Specific examples include the 1993 *Opposa v. Factoran* case in the Philippines, in which 43 children, acting as representatives of succeeding generations, petitioned the Federal Constitutional Court of the Philippines and sued the government of the Philippines for failing to prevent the destruction of the country's rainforests. The Court admitted the claim of the petitioners, stating: 'We find no difficulty in ruling that they (petitioners-children) can, for themselves, for others in their generations, file a class suit ... cased on the concept of intergenerational responsibility ... [to make natural resources] equitably accessible to the present as well as to future generations.' While the case was on appeal, the government passed a law to declare the remaining forests to be a national protected area reserved for perpetual protection for the benefit of present and future generations not yet born.⁶

¹ *Children and the Changing Climate*, UK Committee for UNICEF (2015): http://www.unicef.org.uk/Documents/Campaigns-documents/Unicef_2015childrenandclimatechange.pdf

² See UNICEF (2016), *Clear the Air for Children*, https://www.unicef.org/publications/files/UNICEF_Clear_the_Air_for_Children_30_Oct_2016.pdf, p.42

³ See UNICEF (2016), Clear the Air for Children, op. cit. pp.52-53

⁴ See:

https://unfccc.int/files/cooperation_and_support/education_and_outreach/application/pdf/article6_presentation_albana_mar_kja.pdf

⁵ UNICEF (2017), Child Rights and Mining Toolkit: Best practices for addressing children's issues in large-scale mining, https://www.unicef.org/csr/files/FINAL_Child_Rights_and_Mining_Toolkit_060217.pdf

⁶ See Unicef UK (2010): A brighter tomorrow: climate change, child rights and intergenerational justice, p.16 <https://www.unicef.org.uk/publications/a-brighter-tomorrow-climate-change-and-intergenerational-justice/>