**WWF Report on the Environment and the Rights of the Child**

**Introduction**

WWF welcomes the investigation by the UN Special Rapporteur for Environment and Human Rights into State protection of the rights of the child and the environment.

The protection of child rights and the environment is of undoubted importance.

In a little more than a generation without climate action by States in line with the Paris Agreement children born today are likely to live in a world where global average temperatures remain above 2 °C .

Many countries have committed to strong climate change laws or policies and the Sustainable Development Goals. We now need to see States acting with sufficient urgency to achieve these goals and targets. The Stern Review raised numerous concerns about the adverse effects of climate change on children stating “*every year an additional 165,000-250,000 children could die compared with a world without climate change*”.[[1]](#footnote-1)

Stern predicts that the additional health risks that will be brought on by global climate change will not only cost lives, but also increase poverty – “*malnutrition, for example, reduces peoples’ capacity to work and affects a child’s mental development and educational achievements with life-long effects*”,[[2]](#footnote-2) referencing the Zimbabwean drought in 2000. Recent increased storms and other increased natural weather events throughout the Carribean islands and USA are demonstrating further the harsh truth of this prediction.

The protection of children as a specific group with heightened vulnerabilities to the effects of environmental pollution is given insufficient attention within most legislatures. However, this is a multi-faceted problem. Apart from the State’s liability to protect its citizens from environmental hazards, such as poor air quality and toxic waste, we also find that many States place too little emphasis on the importance of access to nature for children’s mental and physical wellbeing. Of equal, if not greater consideration, is the need to ensure that short term environmental decisions, such as those taken in relation to infrastructure, energy markets, climate mitigation, do not discriminate against children in the long term by leaving them with potentially poor social outcomes and inequitable economic burdens. This aspect of environmental decision making often appears as an undocumented harm.

For instance, the Living Planet Report 2016 shows that 58% of global vertebrates has declined since 1970-2012 with 1 in 6 species at risk of extinction because of climate related impacts. The loss of biodiversity is at such a rate it has reached a tipping point whereby without the world taking urgent action children today and future generations may find the natural resources upon which their lives depend considerably and deleteriously depleted.

**Questionnaire:**

The following information is offered as examples of involvement in this issue by WWF offices.

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

 **The Kenya Constitution 2010**

1. Stipulates in *Section 42 stipulates that: Every person has the right to a clean and healthy environment, which includes the right to:*
2. to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69 (utilize the environment and natural resources for the benefit of the people of Kenya) and (b) to have obligations relating to the environment fulfilled under Article 70 on Enforcement ( If a person alleges that a right to a clean and healthy environment recognized and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter).
3. Article 44: Every person has the right to use the language, and to participate in the *cultural life*, of the person’s choice- (this will include any cultural issues that are environmentally related)
4. Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.
5. *The Kenya Constitution 2010 further stipulates in section 53.*
6. Every child has the right –
* to basic nutrition, shelter and health care;
* to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour;

*Although the legislations are not very specific (give comparably little attention) on the issues of the right of children to a good physical environment, they are however implicit, when they talk of every person*.

1. Kenya is a dualist state requiring domestication of international instruments in the national arena through legislation by Parliament. In this regard, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and recently the Convention relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa have been fully domesticated by the promulgation of the Children’s Act (Chapter 586 of the Laws of Kenya) and the Refugees Act (No. 13 of 2006) respectively. The provisions of these laws are closely modelled on those of the international and regional instruments, with necessary exceptions as necessitated by the circumstances of Kenya. (Kenyan Constitution, the CRC and other ratified international human rights instruments automatically become part of national law[[3]](#footnote-3). The Constitution further provides that the “general rules of international law” are similarly domesticated[[4]](#footnote-4)).

At the regional level, Kenya has ratified the African Charter on Human and Peoples’ Rights; the African Charter on the Rights and Welfare of the Child; the OAU Convention Governing Specific Aspects of Refugee Problems in Africa; the OAU Convention Against anti-Corruption; and The Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples Rights.

Children also have a specific right under the Constitution to bring or have proceedings brought on their behalf when any of their rights or fundamental freedoms in the Bill of Rights “has been denied, violated or infringed, or is threatened”[[5]](#footnote-5). The same applies to cases claiming that the Constitution “has been contravened, or is threatened with contravention”[[6]](#footnote-6).

1. **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.**

*The following applies to Kenya*

* The Ministry of Education has made commitment on Global Action Programme (GAP) on Education for Sustainable Development.
* The constitution is clear on “Public interest litigation” which may be filed in important matters related to human rights, including where:
1. The enjoyment of the rights and fundamental freedoms of a “significant” number of people is affected;
2. There are matters of “broad public concern” at issue related to the enjoyment of human rights;
3. “Gross or systematic” violations are alleged as to human rights guaranteed under the Constitution or any other ratified international human rights instrument, including the

 CRC;

1. There is controversy or “emerging jurisprudence” on a particular human rights matter; or
2. Discrimination is alleged against “disadvantaged, minority or marginalized groups”.

Children are not entitled to legal assistance in bringing civil cases. However, the National Legal Aid and Awareness Programme (NALEAP) provides legal assistance and in some cases representation to children and other vulnerable groups with the assistance of the Law Society of Kenya and various civil society organizations[[7]](#footnote-7).

**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).**

Although in 2008, the African Report on Child Wellbeing rated Kenya as one of the top most child-friendly African Governments, which was due to putting in place appropriate legal provisions to protect children against abuse and exploitation, allocating a relatively higher share of the national budget to provide for the basic needs of children and success in achieving relatively favourable well-being outcomes as reflected in the children themselves (including domestication of the Convention on the Rights of the Child, there are still challenges to the integration of children’s rights protection in environmental-related matters:

**Inequity**: According to the World Bank, Kenya is one of the ten most unequal societies in the world, with the richest tenth of households controlling more than 42 percent of the country’s income while the poorest tenth survive on less than one per cent. Poverty remains a major impediment to both the fulfillment of basic needs and the realization of the full potential of many Kenyans, particularly women and **children**. The population in absolute poverty is estimated at 58% (2016)[[8]](#footnote-8). And according to the Kenya Economic Report 2009, the number of Kenyans depending on others was 84% and in 2016 was quoted at 70%[[9]](#footnote-9).

**Climate change**, along with other environmental, political, and economic development challenges, has limited local indigenous communities’ access to food and clean water. As a result, many children have become sick because their families are unable to provide them with sufficient food and clean water. Girls often walk extremely long distances to dig for water in dry riverbeds, exposing them to dangers along the route and leaving them with less time to attend school or rest. Scientific studies show that recurring drought and food insecurity can also have indirect effects on health. For example, climate change has changed the behavior of mosquitoes and ticks that transmit diseases such as malaria

**Lack of Reference point to guide all actors**: The effectiveness of all legislations and available mechanisms has often been hindered by the lack of a reference point to guide all actors. Consequently, within government, child protection is undermined by fragmented leadership; lack of clarity on legitimacy and mandates and lack of understanding of roles of each other at all levels. Poor linkages often cause problems during sector specific budget allocation. Some ministries, such as Education, Health, Internal security, among others, find it difficult to allocate resources towards child protection, as their roles are not visible. Consequently, their collaboration is often based on goodwill, which contradicts the rights-based approach to child protection.

**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.**

 No Comment

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

Stipulates in *Section 42 stipulates that: Every person has the right to a clean and healthy environment, which includes the right to:*

‘ to have the environment protected for the benefit of present and **future generations (***emphasis mine***)**  through legislative and other measures, particularly those contemplated in Article 69 (utilize the environment and natural resources for the benefit of the people of Kenya) and (b) to have obligations relating to the environment fulfilled under Article 70 on Enforcement ( If a person alleges that a right to a clean and healthy environment recognized and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter).

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

The Swedish government has decided to make the UN Children's Convention into Swedish law. The Government considers that the strong position of the Convention on the Rights of the Child needs to be clarified and that a child-based approach should have a strong impact on the law enforcement*.*

Sweden takes the Global Goal 4:7 as a starting point with our work in Sweden on children’s rights to a healthy environment :

“By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development “

1. **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.**

There are several organisations that work in the field of children’s rights and environment in Sweden. These include the Raoul Wallenberg Academy ([raoulwallenberg.se/in-english/](http://raoulwallenberg.se/in-english/))by supporting young people to find the courage to make a difference and to take action for equal rights.

The Academy cultivates four qualities common to positive change-makers in society such as Raoul Wallenberg: empathy, courage, leadership and cooperation. We do this by offering tools, education and long-term school projects. The Raoul Wallenberg Academy was founded in 2001.

The Academy promotes the Cube-method ”Every person can make a difference” which aims to inform students about human rights and equality. As part of the project, black “cubes” (2\*2\*2 meters), are sent to selected high schools around Sweden. The students are given the opportunity to creatively interpret one of the thirty human rights from the UN Declaration of Human Rights. This is done through texts, images, film, theater, or installations inside the cube.

The students also discuss human rights, civil courage, and how one can make a difference, with the help of the pedagogical toolkit provided as part of the project.

On Raoul Wallenberg Day, the cubes are put on display in Stockholm, with the purpose of initiating debate about human rights, civil courage, and equality, with Raoul Wallenberg as a source of inspiration. <http://sharingsweden.se/toolkits/the-cube-project/>

**Rädda barnen** <https://www.raddabarnen.se/om-oss/barnkonventionen/>

The organisation carries out work in line with the the Children's Convention. It promotes the Children's Convention as a powerful tool in saving the children's work for children to get it better. All our work is based on it. They have teaching materials: <http://translate.google.com/translate?hl=en&sl=sv&u=https%3a%2f%2fwww.raddabarnen.se%2fom-oss%2fbarnkonventionen%2f>

**Plan International**

Plan works to ensure that all children's rights are respected wherever they live.

They not only work for children, but also with them. Children have the right to participate in ways that affect their own lives. When Plan initiates cooperation in a new area, the starting point is always what both children and adults want to improve; all projects are done on the initiative of those living in the area. In common, we establish a long-term development plan, which is then run by locals with material, technical and financial support from Plan.

They have teaching material: <https://plansverige.org/larare/>

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

No comment

1. **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.**

No comment

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

No comment

* **The UK (and devolved governments)**

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

UK Human Rights Act 1998

There are specific provisions in the UK HRA that concern the rights of children. These are:

* 1. To treat children’s best interests as a primary consideration (Article 3 CRC, read with Article 8 ECHR);
	2. To ensure children’s views are heard and given due weight in the decision making (Article 12 CRC, read with Article 8 ECHR);
	3. In relation to local authorities, health bodies and other specified bodies, to have regard to the need to safeguard and promote the welfare of children (section 11 of the Children Act 2004); and
	4. To have ‘due regard’ to the need to advance equality of opportunity for children and eliminate the discrimination they face (section 149 of the Equality Act 2010)

The UK government has not directly incorporated the UN Convention on the Rights of the Child (UNCRC) into UK law. The approach taken by the UK Courts to the application of child rights under the UNCRC was considered extensively by the Supreme Court in *R (SG) v Secretary of State for Work and Pensions* [2015] UKSC 16, in the challenge to the ‘benefit cap’. For example Lord Hughes (in the majority in that case) said as follows at [137]:

*‘137 Article 3 of the UNCRC is contained in an international treaty ratified by the United Kingdom. It is binding on this country in international law. It is not, however, part of English law. Such a treaty may be relevant in English law in at least three ways. First, if the construction (ie meaning) of United Kingdom legislation is in doubt, the court may conclude that it should be construed, if otherwise possible, on the footing that this country meant to honour its international obligations. Second, international treaty obligations may guide the development of the common law. For these two propositions see, for example, R v Lyons [2003] 1 AC 976 , para 13....Thirdly...the UNCRC may be relevant in English law to the extent that it falls to the court to apply the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) via the Human Rights Act 1998. The European Court of Human Rights has sometimes accepted that the Convention should be interpreted, in appropriate cases, in the light of generally accepted international law in the same field, including multi-lateral treaties such as the UNCRC.’*

The utility of the CRC in environmental cases in England and Wales is seen as an aid to the construction of the ECHR rights, in particular the rights protected by Article 8 which are recognised to extend to environmental issues[[10]](#footnote-10) but also the non-discrimination provision in Article 14

There are also various domestic law provisions in England which mandate consideration of children’s rights. The most important of these provisions are:

* Section 11 of the Children Act 2004, which provides that a wide range of bodies must:

‘make arrangements for ensuring that–

(a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and

(b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.’

* Section 149 of the Equality Act 2010, which requires public authorities and persons exercising public functions to:

‘have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.’

*Wales*

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on all Welsh Ministers to have due regard to the CRC when exercising any of their functions. In particular, Welsh Ministers must;

* + - consider how to avoid or minimise negative impacts on children
		- consider how they can exercise their functions to improve the fulfilment of children’s rights.
		- prepare and publish a children’s scheme, which sets out how they plan to give due regard to the CRC,
		- report on how they have done so in practice, and
		- promote knowledge and understanding of the CRC

*Scotland*

The Children and Young People (Scotland) Act 2014 sets out a duty for Scottish Ministers to keep under consideration whether there are steps they could take which might further children's rights as set out in the CRC, and for public bodies to publish periodic reports on what steps they have taken in this regard.

The Act also gives Scotland’s Commissioner for Children and Young People the power to investigate cases affecting individual children for the first time.

1. **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.**

There are many NGOs working for the protection of children’s rights in the UK such as Save the Children; NSPCC; PLAN International –some of these charitable programmes aim to campaign on environmental issues affecting children such as climate change and/ or lack of water/sanitation. In general, the UK has not shown sufficient commitment to implementation of the CRC. The UK now ranks among the bottom 10 global performers in the arena of improving rights of the child, after it achieved the lowest-possible score across all six available indicators in the domain of Child Rights Environment (CRE), according to the KidsRights Index 2017.

It concluded that industrialised nations were falling short of allocating sufficient budgets towards creating a stable environment for children’s rights, by neglecting their leadership responsibilities and failing to invest in the rights of children to the best of their abilities

Structurally, in response to its international commitment to child rights the UK has put in place Children’s Commissioners who aim to represent children’s voices throughout the UK.

In England the Children's Commissioner's primary function is promoting and protecting the rights of children in England’.[[11]](#footnote-11) This is a very broad remit and clearly encompasses promoting and protected the rights of children in England with respect to the environment.

The particular powers of the CC include ‘considering the potential effect on the rights of children of government policy proposals and government proposals for legislation’ (which should include legislative proposals for climate change, air quality, etc…) and the ‘monitoring of the implementation in England of the United Nations Convention on the Rights of the Child’[[12]](#footnote-12)

There are Children’s Commissioners for each of the devolved administrations. However, aside from the general themes of children’s rights and child participation, there is nothing to suggest that the Commissioners are giving any focus to environmental issues at present, although the devolved Commissioners do take a more active role in promoting children’s rights to a healthy environment.

**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).**

The UK government has no formal mechanism for taking into account the specific vulnerabilities of children in relation to environmental decision making. The consequence of this approach is that the heightened vulnerability of children in making decisions that may affect their development and life outcomes over the *long* term is insufficiently considered in any assessment of the quality of the decision.

The Equality and Human Rights Commission has consistently called upon the UK government to enhance the status of the CRC. In a letter dated 18 Nov 2016 it called on the government to introduce a statutory obligation to conduct child rights impact assessments when developing laws and policies, and ensure that the *best interests* of the child is integrated in all proceedings, decisions and policies. The ECHR considers that children’s rights are not sufficiently taken into account in public body decision making. In its view public authorities in England should have a duty to routinely consider the impact of policies on children and put children’s best interests at the heart of decision-making.

By contrast, the Scottish government has introduced child impact assessments into its decision making.

(1)The Scottish Ministers must—

(a)keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and

(b)if they consider it appropriate to do so, take any of the steps identified by that consideration.

<http://www.legislation.gov.uk/asp/2014/8/part/1/enacted>

For instance, the consultation on the Scottish Climate Bill <https://consult.scotland.gov.uk/energy-and-climate-change-directorate/climate-change-bill/supporting_documents/Climate%20Change%20Bill%20%20CRWIA.pdf> includes a proposal to ‘*assess the impacts of the proposed Bill on different groups of people through a combined process of Equalities Impact Assessment (EQIA),* ***Children’s Rights and Wellbeing Impact Assessment (CRWIA)*** *and socio-economic assessment’*.

In a recent report by the Special Rapporteur for human rights of the environmentally sound management and disposal of hazardous substances and wastes into the UK the report found serious shortcomings by the UK government. It was noted that despite successive Court cases against the UK government its plans to curb dangerously high levels of pollution in the UK’s air quality remain inadequate. Significantly, the report notes also that the environmental regulators are seriously constrained by budget cuts. The report states ‘ The decreasing financial, technical and human resources due to austerity have created serious governance gaps.’

1. **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.**

 The United Nations Guiding Principles on Business and Human Rights represent a milestone in the business and human rights discussion. However, recognizing the need for stronger visibility of children’s rights, Save the Children, the United Nations Global Compact and UNICEF joined forces to develop the Children’s Rights and Business Principles released in 2012, to give business a clear idea of where and how their business might impact children.

WWF UK enters into corporate partnerships to improve the business outcomes for people and the environment. As part of these partnership agreements WWF requires from the business strict adherence and monitoring of the Ruggie Principles, including the principles on children’s rights.

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

There are no specific laws or policies that protect future generations within the England. However, Wales recently passed laws that specifically refer to the well-being of future generations.

In Wales the recently implemented Well Being and Future Generations Act also includes further provisions for the protection of children

The well-being duty (WBD) requires that:

1. Each public body must carry out sustainable development.
2. The action a public body takes in carrying out sustainable development must include:
3. setting and publishing objectives (‘‘well-being objectives’’) that are designed to maximise its contribution to achieving each of the well-being goals, and
4. taking all reasonable steps (in exercising its functions) to meet those objectives. . . . [[13]](#footnote-13)

Clearly the duty depends on the definition of ‘carrying out sustainable development’. This is defined as the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle (see section 5), aimed at achieving the wellbeing goals (see section 4).[[14]](#footnote-14)

Each public body in Wales must set individual well-being objectives but they must also set collective well-being objectives as members of local Public Services Boards (PSBs).  These collective objectives are set pursuant to local well-being plans begin drawn up by PSBs in consultation with a range of bodies (some of which must be consulted- others at the discretion of the PSB) and there is a statutory advisory role in this process for the Future Generations Commissioner – ss. 39-45, Well-being of Future Generations (Wales) Act as the combined effect of the Rights of Children and Young Persons (Wales) Measure 2011, the Well-being of Future Generations (Wales) Act 2015 and its associated guidance is quite clearly to require the specified Welsh public bodies (which includes the Welsh Ministers) to have regard to children rights when discharging the well-being duty.

1. Stern Review, Part II at page 55 [↑](#footnote-ref-1)
2. Stern Review, at page 100 [↑](#footnote-ref-2)
3. Constitution of Kenya, Article 2, available at <http://www.parliament.go.ke/index.php> [↑](#footnote-ref-3)
4. Constitution, Article 2. [↑](#footnote-ref-4)
5. Constitution, Article 22 [↑](#footnote-ref-5)
6. Constitution, Article 258 [↑](#footnote-ref-6)
7. Draft Rules for the Protection of Rights and Fundamental Freedoms and Enforcement of the Constitution, Rule 28, available at http://www.kenyalaw.org/kenyaLawBlog/?p=439 [↑](#footnote-ref-7)
8. Percentage of population living on less than $3.10 a day at 2011 international prices. [↑](#footnote-ref-8)
9. Kenya Country Economic Memorandum 2016- World Bank Group [↑](#footnote-ref-9)
10. See *Di Sarno v Italy*, Application no. 30765/08, 10 January 2013, where the ECtHR identified at para 110 ‘a positive obligation to take reasonable and adequate steps to protect the right of the people concerned to respect for their homes and their private life and, more generally, to live in a safe and healthy environment.’ [↑](#footnote-ref-10)
11. There are separate Commissioners for each of the UK Nations, whose powers and responsibilities are significantly different. [↑](#footnote-ref-11)
12. Section 2A, inserted by the 2014 Act, to ‘in particular, have regard to the United Nations Convention on the Rights of the Child in considering for the purposes of the primary function what constitute the rights and interests of children.’ [↑](#footnote-ref-12)
13. WFGA 2015, s. 3. Depending on the nature and purpose of the body it may set objectives for the whole or part of Wales, WFGA 2015, s. 3(3)&(4). [↑](#footnote-ref-13)
14. *Ibid.* s. 2. The well-being goals are listed in s. 4, Table 1 as: A prosperous Wales; A resilient Wales; A healthier Wales; A more equal Wales; A Wales of cohesive communities; A Wales of vibrant culture and thriving Welsh language; A globally responsible Wales. [↑](#footnote-ref-14)