Submission to the UN Committee on the Rights of the Child in advance of the 2016 Day of General Discussion on “Children’s Rights and the Environment”.

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It is very welcome that the Committee is focussing its 2016 Day of Discussion on the theme of Children’s Rights and the Environment as this is an area of children’s rights that is currently largely poorly conceptualised, poorly understood and not given the recognition that it requires.

Arguably environmental degradation and climate change are among the biggest threats to the global population, affecting all countries and communities. It is important, however, to consider how children are particularly affected, and how these issues affect the realisation of their rights.

This paper outlines three ways in which the term ‘the environment’ is used, and how these relate to the realisation of children’s rights.

Firstly, ‘the environment’ can mean ‘where a child lives’, ie their living conditions, housing, and community spaces. Their environment, then should be fit for ensuring a decent standard of living for children, allowing their rights to be met in relation to shelter, play, health etc. If the environment in which children are growing up is not safe or ‘healthful’, then this will have a detrimental impact on them. Moreover, if their environment is polluted, or if they are subject to ‘natural disasters’ through, for example, extreme weather events such as flooding and heat waves, and the resulting food insecurity, children can be among the most badly affected. It has been estimated that around 60% of the world’s poor rely on natural resources to live, and so environmental harm has a particularly profound impact on the poorest communities.

Alternatively, ‘the environment’ is often used to mean ‘the natural world’ which includes plants and animals as well as people. This is recognised in the ‘Guidelines for Participants’ paper on the Day of General Discussion where it states that: ‘Humans are part of the natural environment’. Indeed, many indigenous religions consider their deities to be part of nature, and do not consider people as separate from the natural environment. Whether taking a religious perspective or not, there is a widespread belief that children need to have access to the natural world as they grow and develop and that depriving them of this can impact badly on their development and health. Children themselves, and their parents, frequently talk about their need to access green spaces, wild places and wildlife.

Finally, when talking about ‘the environment’ in relation to children’s rights, this can relate to the duty on current populations to consider the rights of ‘Future Generations’ when exploiting natural resources, and causing environmental damage. Children play a key role in highlighting the importance of intergenerational responsibility and prudence in protecting the environment and managing natural resources.

There are a number of cases in which the rights of ‘Future Generations’ have been upheld, including:

* In 1993, where the Supreme Court of the Philippines recognised the rights of future generations to a healthy environment, and ruled in favour of a group of children, acting on their own behalf as well as that of future generations who were arguing that the issuing of timber licences by the Government violated their constitutional rights to a healthy environment.
* Earlier this year, a judge in Oregon, USA ruled in favour of 21 children and young people who had taken a lawsuit on behalf of future generations against the Federal government and fossil fuel industry, alleging that the government was violating their constitutional and public trust rights by promoting the use of fossil fuels, in the knowledge that the carbon dioxide from burning fossil fuels causes global warming.

**The impact of environmental harm of children’s rights**

The Guidance document has outlined the range of rights affected by environmental harms, including their right to health, life, survival and development, food, water and sanitation, rest, play, leisure, recreation and participation in cultural life, education, freedom from economic exploitation and violence, and adequate standards of living. Some of these impacts can be direct, for example, when drinking water is polluted this will impact directly on the health of a child. The impacts of global warming, however, may be more indirect and lead to, for example, increasing temperatures and soil erosion, resulting in food insecurity, poverty and migration, all impacting on children’s rights.

In Northern Ireland, as in much of Europe, water quality for human consumption is closely regulated, and there are few examples of children’s health being impacted by pollution. One example of an issue that has been contentious, however, is fracking. This is where water, sand and chemicals are injected into underground rock at high pressure to force gas to flow out. Children have been actively involved in campaigning against fracking in Northern Ireland.

The less direct impacts of climate change will, however, certainly impact on the realisation of children’s rights in Northern Ireland. In June the European Commission published a report on the consequences of climate change.[[1]](#footnote-1) This outlined the vulnerabilities of populations in different parts of the world, including increased flooding in Northern Europe, along with heat waves and coastal erosion. These will impact both on the safety of children, and on the livelihoods of their parents. Increasing resources will be required to address the impacts of climate change, resulting in more competition for public resources previously allocated to health and education provision. As we have been seeing recently, in times of austerity, whether due to global banking systems, or global warming, the most vulnerable in society are often particularly badly affected in relation to access to services, employment, and standards of living.

**The role of children as agents of change in the environmental context**

Children are often extremely passionate about the need to protect the environment, and hearing about environmental harm can cause them a great deal of anxiety. As can be seen in the court cases mentioned above, they can be very effective environmental champions, particularly when they remind older generations of their responsibilities as Trustees for the ‘Future Generations’.

Back in 2005, when the Northern Ireland administration consulted children and young people on the development of a 10 year Children’s Strategy, they clearly stated that protection of the Environment should be included. In the current consultation on the second Children’s Strategy, the passion of children and young people for the protection of the environment has again been clearly articulated.[[2]](#footnote-2)

Unfortunately, the level of their concern about environmental issues is not reflected in the degree to which children and young people are able to participate meaningfully in environmental decision-making in Northern Ireland.

In relation to the Article 29 1(e) duty on states to enshrine the ‘development of respect for the natural environment’ as an aim of education, in Northern Ireland it would seem that there are attempts to address this. These include projects to involve children in reducing the impact of schools on the environment, (‘Eco-Schools’) and ‘Sustainable Development’ is a ‘Thematic Unit’ within the Northern Ireland education curriculum at post-primary level. This is not articulated, however, in human rights terms and not promoted as an entitlement for every child as critical agents of change.

**State obligations regarding the rights of the child in relation to a safe, clean, healthy and sustainable environment.**

1. The role of States in addressing environmental harm that interferes with the enjoyment of children’s rights

States must regulate against environmental harms, such as water and air pollution, and engage at an international level to prevent this happening at a global level, particularly to marine ecosystems. States should work together to ensure protection against environmental degradation and prosecute effectively when it occurs.

1. The extent to which current government policies related to children’s rights take account of environmental harm.

In 2015, a piece of legislation was passed, The Children’s Services Cooperation Act requiring government departments, agencies and other organisations to work together to improve children’s wellbeing in Northern Ireland. The definition of ‘Well-being’ was articulated in the legislation in relation to eight measures, including ‘Economic and Environmental well-being’. It is not, as yet, clear how this duty to ‘Environmental well-being’ will be addressed in the Children’s Strategy which is currently in development.

1. The extent to which children’s rights inform laws, policies, standards, institutions, budgetary measures, projects or other actions aiming to assess, monitor, prevent, mitigate, remedy or repair environmental harm.

I am not aware of any instances whereby actions aimed to address environmental harm have been informed by children’s rights.

1. The precise content of state obligations arising from children’s rights in relation to a safe, clean, healthy and sustainable environment.

States obligations include:

* Ensuring children have access to clean drinking water, unpolluted air and a ‘healthful environment’ more generally;
* Working with other states and agencies to address causes of global warming and climate change;
* Meeting their duties in relation to Article 29 1 (e) – ensuring that an aim of education is to promote ‘the development of respect for the natural environment;
* Identifying groups of children vulnerable to be disproportionately detrimentally affected by environmental harm, and provide additional supports;
* Address food insecurity and support more families to grow and make their own food.

1. The implications of the best interests principle in environmental decision-making

State parties must make children’s rights and best interests primary considerations when making decisions affecting the environment. This must include considering the rights of ‘Future Generations’.

1. State obligations in ensuring children’s access to information on the environment, opportunities for participation in environmental affairs, and access to effective remedies.

Children and young people must be provided with information on the environment in appropriate formats, and be given opportunities to participate in decisions relating to the environment. Should there be breaches of children’s rights due to environmental harm, there should be access to effective, child-friendly remedies.

1. Heightened obligations relating to the protection of children in vulnerable situations

It is important that states recognise that many families with children are forced to migrate due to the impacts of environmental harm. This should be reflected in states policies towards migrant children and their families.

1. State obligations regarding environmental damage that transcends boundaries and thus affects children in multiple countries.

States must work within structures to promote international cooperation in relation to environmental damage that transcends boundaries, for example in relation marine and river pollution. As stated above, they must also recognise the impact of environmental harm in increased migration and ensure that the rights and best interests of migrant children are safeguarded.

**Access to the natural environment**

At the start of this paper the importance of children having access to the natural environment was raised. This relates to children’s right to health, but also Article 29 1 (e) as it will be difficult to educate children to respect the environment if they don’t have first-hand access to it, or understand their inter-relationship with it. I recommend that this is explored at the Day of General Discussion.

**About the author**

Alex Tennant has worked in policy analysis and research relating to children’s rights for 11 years in Northern Ireland, for Save the Children, and currently the Northern Ireland Commissioner for Children and Young People. Three years ago she established Belfast Food Swop, an informal network of people (including children and young people) who make or grow their own food, and meet to swop with other food producers. She continues to run this on a voluntary basis.

This was in response to growing concerns about the global nature of food production and the impact of this on the environment, and on the quality of food available to individuals and families. BFS was also set up to promote the growing and making of good quality, healthy food at home, and to connect people with an interest in these matters, including children and young people.

In Northern Ireland, as in many industrialised nations, food production is limited to farms and international companies. Much of the food consumed in Northern Ireland is imported from other countries, and very few families are able to produce their own food. This results in access to food being very vulnerable to global crises, and leaves children estranged from the food production process.

Alex also blogs about growing and making food, and environmental issues at [www.goodfoodlife.co.uk](http://www.goodfoodlife.co.uk)

1. http://ec.europa.eu/clima/change/consequences/index\_en.htm [↑](#footnote-ref-1)
2. http://www.niccy.org/about-us/our-current-work/programme-for-government-pfg-and-children-and-young-peoples-strategy/children-and-young-peoples-strategy/ [↑](#footnote-ref-2)