**UNITED NATIONS**

**OFFICE OF THE UNITED NATIONS**

**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

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**Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment**

**Individual Report on the United Nations Convention on the Rights of the Child**

Report No. 5

Prepared for the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment

December 2013

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# INTRODUCTION

1. This report examines States’ human rights obligations related to the environment under the UN Convention on the Rights of the Child (the “Convention” or “CRC”) as they have been interpreted by the Committee on the Rights of the Child.[[1]](#footnote-1)

1. This report is one of a series of 14 reports that examine human rights obligations related to the environment, as they have been described by various sources of international law in the following categories: (a) UN human rights bodies and mechanisms; (b) global human rights treaties; (c) regional human rights systems; and (d) international environmental instruments. Each report focuses on one source or set of sources, and all reports follow the same format.
2. These reports were researched and written by legal experts working *pro bono* under the supervision of John H. Knox, the UN Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. In March 2012, in Resolution 19/10, the Human Rights Council established the mandate of the Independent Expert, which includes, *inter alia*, studying the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and reporting to the Council on those obligations.

4. In his first report to the Council, U.N. Doc. A/HRC/22/43 (24 December 2012), the Independent Expert stated that his first priority would be to provide greater conceptual clarity to the application of human rights obligations related to the environment by taking an evidence-based approach to determining the nature, scope and content of the obligations. To that end, he assembled a team of volunteers to map the human rights obligations pertaining to environmental protection in as much detail as possible. The results of the research are contained in this and the other reports in this series.

5. The Independent Expert’s second report to the Council, U.N. Doc. A/HRC/25/53 (30 December 2013), describes the mapping project and summarizes its conclusions on the basis of the findings of the 14 specific reports. In brief, the main conclusions are that the human rights obligations relating to the environment include procedural obligations of States to assess environmental impacts on human rights and to make environmental information public, to facilitate participation in environmental decision-making, and to provide access to remedies, as well as substantive obligations to adopt legal and institutional frameworks that protect against environmental harm that interferes with the enjoyment of human rights, including harm caused by private actors. States are also subject to a general requirement of non-discrimination in the application of environmental laws, and have additional obligations to members of groups particularly vulnerable to environmental harm, including women, children and indigenous peoples.

## Summary of the Convention on the Rights of the Child

6. The CRC sets forth a wide range of rights addressing many aspects of the lives of children. Some of its provisions implicitly or explicitly recognize the role that the environment plays in the realization of the right at issue. The clearest example is Article 24, which makes a direct connection between the right to health and the need for food, clean drinking water, and proper sanitation, and “the dangers and risks of environmental pollution,” as discussed in more detail below. In its interpretations of the CRC, the Committee has also linked environmental concerns with other rights, including the rights to life, survival and development, to protection from all forms of violence, to an adequate standard of living, to education, to freedom to practice indigenous culture, rest, leisure, play, and cultural life, and to freedom from economic exploitation.

 7. The CRC requires States parties to implement the rights enumerated in its text. Under Article 2 of the Convention, “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction.”[[2]](#footnote-2) Article 4 provides that:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.[[3]](#footnote-3)

Additionally, Article 3 states, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”[[4]](#footnote-4)

8. Parties are required to submit regular reports to the Committee on the status of implementation of the treaty and the measures taken by the States to comply with their obligations.[[5]](#footnote-5) The Committee reviews each report and may issue follow-up questions. The Committee provides an opportunity for representatives from each reporting State to present its report and answer questions in person during the sessions of the Committee.[[6]](#footnote-6) The Committee then prepares “Concluding Observations” on the report, which include recommendations for actions that the State should undertake. These are provided to the State and included in the Committee’s periodic reports to the UN General Assembly.

## Summary of the Research Process

9. Information for this report was gathered through a process of key word searches from the following publicly available documents: all “Decisions” and “General Comments” issued by the Committee since its formation, as well as all available and accessible Reports to the UN General Assembly by the Committee during the period of time from 1 January 2000 to 15 August 2013.[[7]](#footnote-7) The review included the Committee’s Concluding Observations from January 2000 to August 2013, which were contained within the reports by the Committee to the UN General Assembly. The Optional Protocol regarding the sale of children, child prostitution and child pornography, the Optional Protocol on the involvement of children in armed conflict, and related documents were omitted from consideration in the preparation of this report due to the highly specific nature of their subject matter.

10. The following search terms were used to obtain the data: Environment, Climate, Global warming, Air, Natural Resources, Emission, Greenhouse, Water, Flood, Drought, Storm, Hurricane, Typhoon, Drown, Carbon [to catch CO2], Sea [to catch sea levels], Erosion, Food, “Pollut” [to catch pollution/pollute/pollutant], “Contamina” [to catch contaminant/contaminate], Hazardous, Asbestos, PCB, Mercury, Acid, Extinct, Endangered, “Sustain” [to catch sustainable development/sustainability], and sanitary. These search terms sought to capture the full range of statements that might be relevant to the application of human rights to the environment.

## Overview of Report

11. Section II of this report addresses connections the Committee has drawn between environmental matters and threats to the rights guaranteed by the CRC, including how environmental problems impede implementation in general and how environmental conditions affect specific enumerated rights. The individual rights are discussed in the order they appear in the text of the Convention. They include the rights to (i) life, survival, and development; (ii) freedom from violence; (iii) health; (iv) an adequate standard of living; (v) education; (vi) indigenous culture; (vii) rest, leisure, and play; and (viii) freedom from exploitation. The Committee’s comments sometimes encompass several different rights. For example, a particular problem, such as lack of clean drinking water, may threaten several rights, including the rights to health, to life, survival, and development, and to an adequate standard of living.

 12. Section III considers the duties that the Convention imposes on States parties with regard to the environment, including procedural and substantive obligations and obligations owed to specific groups.

 13. Section IV briefly explores several cross-cutting issues raised by the Committee’s interpretations, including transboundary or global environmental harm and environmental harm caused by non-state actors.

# HUMAN RIGHTS THREATENED BY ENVIRONMENTAL HARM

## Environmental Problems as Barriers to Implementation of the Convention Generally

14. The Committee often begins its Concluding Observations regarding a particular State party with a section noting the challenges faced by that state during the reporting period that impeded effective implementation of the Convention. Problems such as extreme poverty, political instability and armed conflict appear among the circumstances recognized by the Committee as obstructing the realization of the rights guaranteed by the Convention. The Committee has noted environmental and climatic factors as serious impediments to the ability of States to make progress in implementing the Convention.

15. For example, in its Concluding Observations regarding Kazakhstan in 2003, the Committee highlighted environmental harm impeding implementation of the Convention:

The Committee notes that the two major ecological disasters - the shrinking of the Aral Sea and the radioactive contamination at the Semipalatinsk nuclear testing facility - have affected the health of a significant part of the population and their access to safe drinking water.[[8]](#footnote-8)

16. Additionally, the Committee has repeatedly noted the detrimental effects of droughts and other climatic conditions not only upon health, but also upon society in general, including the social structures most important to children. For instance, in its 2001 Concluding Observations regarding Mauritania:

The Committee notes with concern that economic and social difficulties facing the State party have a negative impact on the situation of children and are impeding the full implementation of the Convention, especially in rural and remote areas. In particular, it notes the negative impact of desertification and drought that, by causing an accelerated urbanization and uncontrolled exodus from rural areas, increases the level of poverty and the dismantling of family structures.[[9]](#footnote-9)

17. The Committee has often referred to the impact of natural disasters on the enjoyment of human rights. For example, in its 2007 Concluding Observations regarding Samoa, the Committee “acknowledges the challenges faced by the State party, namely the country’s vulnerability to natural disasters such as hurricanes, which at times pose serious difficulties for the full realization of children’s rights enshrined in the Convention.”[[10]](#footnote-10) Similarly, in its Concluding Observations regarding Mozambique, the Committee took note of “the frequent occurrence of natural disasters including, notably, severe flooding which has a serious social and economic impact.”[[11]](#footnote-11)

18. In its reports to the UN General Assembly on the 26 sessions of the Committee that were submitted between January 2000 and October 2007, the Committee cites environmental conditions in at least 19 instances in its discussion of systematic challenges to implementation. Of these 19, the Committee mentions drought 11 times, flooding 5 times, and hurricanes, tsunamis, or similar natural disasters 7 times.

19. Additionally, the Committee generally includes a section in its Concluding Observations entitled “Basic Health and Welfare” where it frequently comments on environmental problems that threaten the health, development, and basic well-being of children in the various States parties, as discussed in more detail below.[[12]](#footnote-12)

## Rights to Life, Survival, and Development

20. Article 6 of the Convention provides that: (1) “States Parties recognize that every child has the inherent right to life,” and (2) “States Parties shall ensure to the maximum extent possible the survival and development of the child.”[[13]](#footnote-13)

21. The Committee’s General Comment on State obligations regarding the impact of the business sector on children’s rights[[14]](#footnote-14) states:

The activities and operations of business enterprises can impact on the realization of article 6 in different ways. For example, environmental degradation and contamination arising from business activities can compromise children’s rights to health, food security and access to safe drinking water and sanitation.[[15]](#footnote-15)

## Right to Freedom from Violence

22. Article 19 of the Convention provides that:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.[[16]](#footnote-16)

23. The Committee’s 2011 General Comment on the right of the child to freedom from all forms of violence draws a connection between environmental conditions and violence. Specifically, the Committee noted that children in particularly vulnerable situations are more likely to be exposed to violence including children “living in accident- or disaster-prone areas or in toxic environments.”[[17]](#footnote-17) The Committee went on to state that:

Children in emergencies are extremely vulnerable to violence when, as a consequence of social and armed conflicts, natural disasters and other complex and chronic emergencies, social systems collapse, children become separated from their caregivers and caregiving and safe environments are damaged or even destroyed.[[18]](#footnote-18)

## Right to Health

24. The CRC expressly connects the environment with the right to health. In that context, it primarily highlights health threats posed by pollution.

 25. Specifically, Article 24 provides that:

(1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

(2) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

[…] (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and *clean drinking-water, taking into consideration the dangers and risks of environmental pollution*.[[19]](#footnote-19)

26. The Committee’s interpretations of the Convention reflect this focus on the dangers associated with pollution. For example, the Committee addresses pollution in more depth in its recent General Comment on the right of the child to the enjoyment of the highest attainable standard of health.[[20]](#footnote-20) There, the Committee recognized the dangers and risks of local environmental pollution to children’s health. It stated:

States should take measures to address the dangers and risks that local environmental pollution poses to children’s health in all settings.[[21]](#footnote-21)

27. The Committee also addressed climate change, a threat to human rights that is not addressed explicitly in the text of the Convention:

The Committee draws attention to the relevance of the environment, beyond environmental pollution, to children’s health. Environmental interventions should, inter alia, address climate change, as this is one of the biggest threats to children’s health and exacerbates health disparities.[[22]](#footnote-22)

The Committee’s reference to climate change is discussed below in Section IV(A).

28. Environmental pollution is also a frequent topic in the Committee’s Concluding Comments, which appear within its reports to the UN General Assembly following each of its working sessions. In each Concluding Comment, the Committee typically includes a section relating to the status of children’s basic welfare and health. In the reports to the UN General Assembly on the 26 sessions of the Committee submitted between January 2000 and October 2007, the Committee referenced environmental issues as impediments to the right to health many times. Moreover, the Committee sometimes includes a specific subsection entitled “Environmental Health,” emphasizing the role of environmental factors in children’s health. 29. Environmental hazards in the form of pollution figures are prominently featured in the Committee’s Concluding Observations as barriers to the realization of children’s right to health. The Committee’s comments touch on a wide range of environmental problems and vary in degree of specificity from general references to “air pollution” or “environmental degradation” to citing particular pollutants of concern.

 30. For example, in its 2000 Concluding Observations regarding Slovakia, the Committee noted its concern “at the high levels of pollution in industrialized areas, particularly air pollution and water and food contamination caused by nitrates, pesticides and heavy metals.”[[23]](#footnote-23)

 31. Similarly, in its Concluding Observations regarding Jamaica, the Committee stated that it “remains concerned about… [t]he problems of environmental degradation within the State party, including air pollution and difficulties accessing safe, clean water in a number of rural and inner-city areas.”[[24]](#footnote-24)

 32. Likewise, in its Concluding Observations regarding Bangladesh, the Committee stated that:

The Committee is concerned, despite the measures taken by the State party, about the extent of water contamination, specifically with arsenic, air pollution and the low availability of sanitation facilities which have serious negative consequences for children’s health and development.[[25]](#footnote-25)

33. In its Concluding Observations regarding Colombia, the Committee noted its concern regarding “environmental health problems arising from the usage of the substance glyphosate in aerial fumigation campaigns against coca plantations (which form part of Plan Colombia), as these affect the health of vulnerable groups, including children.”[[26]](#footnote-26)

34. In addition, in its 2006 General Comment on the rights of children with disabilities, under the rubric of “Prevention,” the Committee noted that hazardous environment toxins contribute to the causes of many disabilities.[[27]](#footnote-27)

35. The Committee has also addressed the harms and risks resulting from specific environmental disasters.

 36. The Committee’s 2002 Concluding Observations regarding Ukraine state:

The Committee welcomes the information that the State party has moved the families from the areas most affected by the Chernobyl disaster. However, the Committee remains concerned that, as noted in the State party’s report, the main factors exerting a harmful impact on children’s health (and that of pregnant women) remain the aftermath of the Chernobyl disaster, the high level of chemical pollutants in the atmosphere and food products, and the high level of noise pollution. It further notes that insufficient attention has been given to the long-term health and psycho-social consequences of the Chernobyl disaster.[[28]](#footnote-28)

37. In another example, the Committee references the history of chemical defoliant use in Vietnam, noting concern “at the poor environmental health conditions, … as well as the after-effects of Agent Orange and other chemical defoliants.”[[29]](#footnote-29)

 38. Similarly, in its 2008 Concluding Observations regarding the Marshall Islands, the Committee stated that it:

is concerned to learn that children are still being born today with diseases resulting from nuclear tests that were carried out in the 1960s and the 1970s. …[T]he Committee recommends that the State party submit information in its next periodic report on the situation of children born with diseases as a consequence of nuclear testing and on the measures taken to address this issue.[[30]](#footnote-30)

39. The Committee also noted the ongoing environmental degradation in the Aral Sea region in its 2006 Concluding Observations regarding Uzbekistan:

The Committee shares the State party’s concern at the ecological disaster that continues to affect the Aral Sea and its environment. The Committee is deeply concerned at the negative consequences of this disaster for the health and development of children living in the Aral Sea region (Karakalpakstan) due to the lack of safe drinking water, the use of pesticides in agriculture (cotton) and the extreme poverty of their parents.[[31]](#footnote-31)

## Right to an Adequate Standard of Living

40. Article 27 of the Convention provides that:

(1) States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

(2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

(3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.[[32]](#footnote-32)

41. The Committee has cited pollution as an impediment to the realization of an adequate standard of living. In its Concluding Observations regarding Pakistan, the Committee stated that:

The Committee is very concerned at the high number of children living in poverty, the shortage of adequate housing, clean water, adequate sanitation and sewage and the problem of air pollution, all of which have a serious negative impact on the living conditions of children in the State party, causing injuries, sickness and death.[[33]](#footnote-33)

##  Right of Indigenous Children to Enjoy Traditional Culture

42. The Convention guarantees to minority and indigenous children the right to practice their own culture by means of Article 30, which provides that:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.[[34]](#footnote-34)

43. In its interpretations of this right, the Committee has recognized the role of the natural environment and traditional land in indigenous culture. For instance, in 2009, the Committee issued a General Comment on indigenous children and their rights under the convention, in which it pointed out, in the context of its discussion of the rights to life, survival and development of indigenous children:

The Preamble of the Convention stresses the importance of the traditions and cultural values of each person, particularly with reference to the protection and harmonious development of the child. In the case of indigenous children whose communities retain a traditional lifestyle, the use of traditional land is of significant importance to their development and enjoyment of culture. States parties should closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children’s right to life, survival and development to the maximum extent possible.[[35]](#footnote-35)

44. The Committee has noted these issues in its Concluding Observations regarding States parties. For example, in its Concluding Observations regarding Guyana, the Committee noted that:

The Committee is concerned at the living conditions of Amerindian children with regard to the full enjoyment of all rights enshrined in the Convention, especially the degradation of their natural environment and the fact that they are not taught in their own languages.[[36]](#footnote-36)

45. Similarly, in its Concluding Observations regarding Honduras, the Committee stated:

The Committee notes with concern that indigenous communities continue to face serious difficulties in the enjoyment of the rights enshrined in article 30. In particular, the Committee is concerned that the enjoyment of the rights by children belonging to indigenous groups is negatively affected by the following: … (c) Land usurpation from municipal corporations and destruction of natural resources.[[37]](#footnote-37)

46. As discussed below in more detail in Section III(c)(i), the Committee has recognized that States have obligations to indigenous groups within their borders, some of which pertain directly or indirectly to environmental matters.

## Rights to Rest, Leisure, Play, Cultural Life and the Arts

47. Article 31 of the Convention provides that:

(1) States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

(2) States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.[[38]](#footnote-38)

48. The Committee has interpreted this right in several General Comments. In its 2005 General Comment on implementing child rights in early childhood, the Committee recognized that:

realizing the right to rest, leisure and play is often hindered by a shortage of opportunities for young children to meet, play and interact in child-centred, secure, supportive, stimulating and stress free environments. Children’s right to play space is especially at risk in many urban environments, where the design and density of housing, commercial centres and transport systems combine with noise, pollution and all manner of dangers to create a hazardous environment for young children.[[39]](#footnote-39)

49. Subsequently, the Committee issued its most recent General Comment in 2013 on the right of the child to rest, leisure, play, recreational activities, cultural life, and the arts.[[40]](#footnote-40) In this General Comment, the Committee elaborated more specifically on the threat that unsatisfactory environmental conditions and a lack of planning for green spaces pose to the realization of the rights contained in Article 31. In discussing the need to create the context for realization of these rights, the Committee stated that “[c]hildren should have… [a]n environment sufficiently free from waste, pollution, traffic and other physical hazards to allow them to circulate freely and safely within their local neighbourhood.”[[41]](#footnote-41)

 50. The Committee noted that:

The majority of the world’s poorest children face physical hazards such as polluted water; open sewer systems; overcrowded cities; uncontrolled traffic; poor street lighting and congested streets; inadequate public transport; lack of safe local play areas, green spaces and cultural facilities; informal urban “slum” settlements in hazardous, violent or toxic environments.[[42]](#footnote-42)

51. In its discussion of the challenges to be addressed in realization of the right to rest, leisure, play, etc., the Committee noted a general lack of access to nature and stated that:

[c]hildren come to understand, appreciate and care for the natural world through exposure, self-directed play and exploration with adults who communicate its wonder and significance. Memories of childhood play and leisure in nature strengthen resources with which to cope with stress, inspire a sense of spiritual wonder and encourage stewardship for the earth. Play in natural settings also contributes towards agility, balance, creativity, social cooperation and concentration. Connection to nature through gardening, harvesting, ceremonies and peaceful contemplation is an important dimension of the arts and heritage of many cultures. In an increasingly urbanized and privatized world, children’s access to parks, gardens, forests, beaches and other natural areas is being eroded, and children in low-income urban areas are most likely to lack adequate access to green spaces.[[43]](#footnote-43)

52. The Committee also made several statements regarding the duties of States parties to address these challenges to the implementation of Article 31. These are discussed below in Section III(b)(iii).

##  Right to Freedom from Exploitation

53. The Convention, in Article 32, establishes the right to protection from economic exploitation:

States Parties recognize 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.[[44]](#footnote-44)

54. The Committee has recognized in several Concluding Observations that environmental conditions may render work “hazardous” to children. For example, in its 2000 Concluding Observations regarding Kyrgyzstan:

The Committee expresses its concern at children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions. In particular, the Committee is concerned that children involved in tobacco and cotton harvesting often receive no training on safety precautions when working with toxic pesticides and herbicides. There is also concern about child labour in mines in the south.[[45]](#footnote-45)

55. In a similar example, the Committee stated in its Concluding Observations regarding Egypt, that:

In light of its previous concluding observations, and taking note of efforts by the State party to address child labour, the Committee remains concerned about this problem. Its main concerns are: (a) [omitted]; (b) Regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, that there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions; and (c) Eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.[[46]](#footnote-46)

# OBLIGATIONS ON STATES RELATING TO THE ENVIRONMENT

56. The CRC, like other human rights treaties, imposes on States parties the duty to respect, protect, and fulfil the rights that the CRC seeks to guarantee. As noted above, Articles 2 and 4 of the CRC explicitly place responsibility on States Parties for implementing the substantive rights contained in the Convention, and the Committee has commented recently on States’ obligations in several contexts, all of which are generally applicable in a broad range of contexts, including environmental protection.

 57. For instance, with regard to the obligations of states to respect, protect and fulfill the right to health, the Committee stated in its 2013 General Comment that States’ obligations include an obligation to protect both freedoms and entitlements from environmental threats:

States have three types of obligations relating to human rights, including children’s right to health: to respect freedoms and entitlements, to protect both freedoms and entitlements from third parties or from social or environmental threats, and to fulfil the entitlements through facilitation or direct provision. In accordance with article 4 of the Convention, States parties shall fulfil the entitlements contained in children’s right to health to the maximum extent of their available resources and, where needed, within the framework of international cooperation.[[47]](#footnote-47)

58. In its next General Comment, the Committee observed that:

The obligation to fulfil requires States to take positive action to facilitate, promote and provide for the enjoyment of children’s rights. This means that States must implement legislative, administrative, budgetary, judicial, promotional and other measures in conformity with article 4 relating to business activities that impact on children’s rights. […] This includes clear and well-enforced law and standards on labour, employment, health and safety, *environment*, anti-corruption, land use and taxation that comply with the Convention and the Optional Protocols thereto.[[48]](#footnote-48)

59. The Committee also noted that merely passing laws and establishing standards is not enough:

Generally, it is the lack of implementation or the poor enforcement of laws regulating business that pose the most critical problems for children. There are a number of measures States should employ to ensure effective implementation and enforcement, including [inter alia] [s]trengthening regulatory agencies responsible for the oversight of standards relevant to children’s rights such as health and safety, consumer rights, education, *environment*, labour and advertising and marketing so that they have sufficient powers and resources to monitor and to investigate complaints and to provide and enforce remedies for abuses of children’s rights….[[49]](#footnote-49)

60. Article 3 of the Convention provides in part that: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”[[50]](#footnote-50)

61. In its 2005 General Comment on implementing child rights in early childhood, the Committee urged that, in order to realize “the best interests of young children as a group or constituency,” it is necessary that:

[a]ll law and policy development, administrative and judicial decision making and service provision that affect children must take account of the best interests principle. This includes actions directly affecting children (e.g. related to health services, care systems, or schools), as well as actions that indirectly impact on young children (e.g. related to *the environment*, housing or transport).[[51]](#footnote-51)

62. In a more recent General Comment, the Committee has interpreted Article 3 in the context of the actions of government agencies:

The Committee emphasizes that the scope of decisions made by administrative authorities at all levels is very broad, covering decisions concerning education, care, health, *the environment*, living conditions, protection, asylum, immigration, access to nationality, among others. Individual decisions taken by administrative authorities in these areas must be assessed and guided by the best interests of the child, as for all implementation measures.[[52]](#footnote-52)

63. As discussed more fully below, the Committee has also sometimes recommended that States establish procedural safeguards, such as consultation with affected communities and social and/or environmental impact assessments, prior to making decisions affecting the environment in which the community and its children live. The Committee has also recognized the substantive obligations of states to fulfill and ensure specific rights guaranteed by the Convention through the passage of appropriate policies and laws.

## Procedural Obligations

### Collection and Reporting of Information

64. In several Concluding Observations, the Committee has urged States to collect and submit information on a particular environmental problem that may be interfering with realization of particular rights as an initial means of addressing it. For example, in its 2003 Concluding Observations regarding the Czech Republic, the Committee recommended that “the State party urgently… [u]ndertake comprehensive research on the possible effects of environmental pollution on the health of children with a view to effectively addressing this problem.”[[53]](#footnote-53)

65. Similarly, in its Concluding Observations regarding the Marshall Islands, the Committee recommended “that the State party submit information in its next periodic report on the situation of children born with diseases as a consequence of nuclear testing and on the measures taken to address this issue.”[[54]](#footnote-54)

### Impact Assessment

66. Additionally, the Committee has recommended that States undertake impact assessments as a mechanism to ensure that rights are respected in the context of development that may cause environmental harms that would be detrimental to nearby communities. For instance, in its Concluding Observations regarding Peru:

The Committee reiterates the recommendation of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, that the State party carry out independent, rights-based environmental and social impact assessments prior to the setting up of all mining or other industrial projects that may have harmful impacts on the right to health of children.[[55]](#footnote-55)

67. In its Concluding Observations regarding Colombia, regarding the usage of the substance glyphosate in aerial fumigation campaigns against coca plantations the Committee recommended that Colombia, “carry out independent, rights-based environmental and social-impact assessments of the sprayings in different regions of the country.”[[56]](#footnote-56)

**B. Substantive Obligations**

68. In several General Comments, the Committee has made observations regarding the nature of States’ obligations with regard to specific rights. Accordingly, the subsections that follow discuss only those rights on which the Committee has made comments about States’ duties relating to the environment.

### Duty Regarding Article 6 (Life, Survival and Development)

69. In a recent General Comment, the Committee noted that measures to implement Article 6 on the rights to life, survival and development include preventive measures such as the effective regulation and monitoring of the environmental impact of business.[[57]](#footnote-57)

### Duty Regarding Article 24 (Right to Health)

70. The Committee’s 2013 General Comment on the right to health contains several observations about the nature of States’ duties.

 71. With regard to health threats arising from environmental pollution, the General Comment states:

States should take measures to address the dangers and risks that local environmental pollution poses to children’s health in all settings. Adequate housing that includes non-dangerous cooking facilities, a smoke-free environment, appropriate ventilation, effective management of waste and the disposal of litter from living quarters and the immediate surroundings, the absence of mould and other toxic substances, and family hygiene are core requirements to a healthy upbringing and development. States should regulate and monitor the environmental impact of business activities that may compromise children’s right to health, food security and access to safe drinking water and to sanitation.[[58]](#footnote-58)

72. In its 2000 Concluding Observations regarding Slovakia, the Committee recommended that in the context of pollution in industrialised areas, “[i]n light of article 24 (c) of the Convention, [...] the State party take all appropriate measures to prevent and combat the dangers and risks to the health of children posed by environmental pollution.”[[59]](#footnote-59)

73. In its Concluding Observations regarding Jordan, the Committee stated:

In light of article 24(c) of the Convention, the Committee recommends to the State party to take all appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental pollution and contamination of water supplies on children, and to strengthen procedures for inspection.[[60]](#footnote-60)

74. Similarly, in its Concluding Observations regarding Jamaica, the Committee recommended “that the State party …[i]ntensify its efforts to address environmental health concerns, particularly with regard to air pollution and solid waste management”[[61]](#footnote-61)

75. Likewise, in its Concluding Observations regarding Bangladesh, the Committee recommend that in order to address the negative consequences from water contamination, sanitation, and air pollution, the State should:

continue and strengthen its efforts to reduce contamination and pollution of air and water as well as improve sanitation facilities, including by strengthening the implementation of the National Policy for Safe Water Supply and Sanitation and …. intensify awareness-raising campaigns and educational programmes in order to inform children and adults about appropriate behaviours protecting them against risks.[[62]](#footnote-62)

76. The Committee has also identified duties specific to environmental disasters. For example, the Committee’s recommended to the Ukraine in its 2002 Concluding Observations regarding the Chernobyl incident:

The Committee recommends that the State party: (a) Continue to improve the specialized health care provided to children affected by the Chernobyl disaster, including its psychosocial aspect; (b) Strengthen its efforts to detect and prevent diseases related to nuclear contamination; (c) Focus more on a long-term developmental approach to the assistance given to people through, inter alia, supporting United Nations initiatives in this area; (d) Take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution of the environment and food products. [[63]](#footnote-63)

77. In another example, the Committee references the history of chemical defoliant use in Vietnam, and recommended that Vietnam “continue its efforts to prevent and combat the damaging effects of environmental pollution, such as chemical defoliants, on children, including through international cooperation.”[[64]](#footnote-64)

78. In the context of the ongoing environmental degradation in the Aral Sea region, the Committee recommended in its 2006 Concluding Observations regarding Uzbekistan that it “take all necessary measures to stop the deterioration of the Aral Sea region, improve the water management and the irrigation network in the region, and systematically try to re-establish as much as possible the Aral Sea and its wetland ecosystem.”[[65]](#footnote-65)

### Duty Regarding Article 27 (Right to an Adequate Standard of Living)

79. In its Concluding Observations regarding Pakistan, the Committee recommended that the State address pollution impacts on Article 27, including that Pakistan “[p]ay particular attention to the rights and needs of children in its poverty reduction strategy paper and in all programmes intended to improve the standard of living in the country, including access to clean water and unpolluted air.”[[66]](#footnote-66)

### Duty Regarding Article 29 (Right to Education)

80. Article 29 of the Convention addresses the purposes of education of children and provides that:

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.[[67]](#footnote-67)

By including the goal of instilling “respect for the natural environment” as one of the purposes of education alongside “respect for human rights and fundamental freedoms” and other values and areas of knowledge, the Convention underscores the importance of the natural environment in human life.

81. The Committee issued a General Comment on the aims of education in 2001 in which it interpreted the content of Article 29. In its introduction to the General Comment, the Committee stated that:

Article 29, paragraph 1, of the Convention on the Rights of the Child is of far-reaching importance. The aims of education that it sets out, which have been agreed to by all States parties, promote, support and protect the core value of the Convention: the human dignity innate in every child and his or her equal and inalienable rights. These aims, set out in the five subparagraphs of article 29 (1) are all linked directly to the realization of the child’s human dignity and rights, taking into account the child’s special developmental needs and diverse evolving capacities. The aims are: the holistic development of the full potential of the child (29 (1) (a)), including development of respect for human rights (29 (1) (b)), an enhanced sense of identity and affiliation (29 (1) (c)), and his or her socialization and interaction with others (29 (1) (d)) *and with the environment* (29 (1) (e)).[[68]](#footnote-68)

82. The Committee provided further interpretation regarding the aim of educating children to respect the natural environment in the context of a general statement regarding the role of education in fostering the values most central to the Convention. Specifically, the Committee stated that:

The promotion and reinforcement of the values of article 29 (1) are not only necessary because of problems elsewhere, but must also focus on problems within the child’s own community. Education in this regard should take place within the family, but schools and communities must also play an important role. For example, for the development of respect for the natural environment, education must link issues of environment and sustainable development with socioeconomic, sociocultural and demographic issues. Similarly, respect for the natural environment should be learnt by children at home, in school and within the community, encompass both national and international problems, and actively involve children in local, regional or global environmental projects.[[69]](#footnote-69)

83. The Committee has also, on occasion, made recommendations to States parties in Concluding Observations encouraging them to introduce environmental programs in schools as a means of educating children about environmental health risks.

 84. For example, in its Concluding Observations regarding Jordan, the Committee:

reiterates its concern about environmental health problems of children arising from the pollution and contamination of the environment, including inadequate practices in handling hazardous waste, such as household solid waste, industrial and health care waste. Scarcity of water supplies and supply frequency also give cause to concern. …The Committee recommends that the State party continue to take appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental pollution and contamination. It also recommends that the State party expedite the implementation of the Environment Protection Law. The Committee further recommends that the State party strengthen its efforts to provide sufficient drinking water to all the population, with special attention to remote areas. Finally, the Committee recommends that the State party increase children’s knowledge of environmental health issues by introducing environmental health education programmes in schools.[[70]](#footnote-70)

### Duty Regarding Article 31 (Rights to Rest, Leisure and Play)

85. In its legal analysis of States’ obligations regarding Article 31, the Committee stated in a recent General Comment that environmental frameworks are essential for the realization of their rights:

States parties must… ensure the necessary and appropriate preconditions for participation to facilitate and promote opportunities for the realization of the rights under article 31. Children can only realize their rights if the necessary legislative, policy, budgetary, environmental and service frameworks are in place.[[71]](#footnote-71)

86. The Committee further specified that environmental measures must consider the best interest of the child:

All legislative, policy and budgetary measures, as well as measures relating to environmental or service provision, which are likely to impact on the rights provided for in article 31 must take into consideration the best interests of children. This would apply, for example, to regulations relating to health and safety, solid waste disposal and collection, residential and transportation planning, design and accessibility of the urban landscape, provision of parks and other green spaces, […] among others.[[72]](#footnote-72)

87. The Committee stated that municipal planning should focus on, *inter alia*:

Provision of access to landscaped green areas, large open spaces and nature for play and recreation, with safe, affordable and accessible transport; [and] [r]oad traffic measures, including speed limits, levels of pollution, school crossings, traffic lights, and calming measures to ensure the rights of children to play safely within their local communities…”[[73]](#footnote-73)

88. The Committee went on to elaborate that States should undertake “[c]ross departmental collaboration in national and municipal government” when planning for play, recreation, and cultural and artistic activities, including environment departments. [[74]](#footnote-74)

89. Furthermore, in its 2005 General Comment on implementing child rights in early childhood the Committee appealed:

to States parties, nongovernmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the youngest children, including as part of poverty reduction strategies. Planning for towns, and leisure and play facilities should take account of children’s right to express their views (art. 12), through appropriate consultations. In all these respects, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.[[75]](#footnote-75)

## Obligations Relating to Members of Groups in Vulnerable Situations

90. Although children can be considered as a “specific group” for purposes of other more general human rights treaties, in the context of the CRC, certain subsets of children may be considered “specific groups.” Accordingly, this section addresses two specific groups of children that have been highlighted in the Committee’s interpretations of the obligations of States’ parties, including obligations relating to the environment. These include (i) indigenous children or children belonging to minority ethnic groups, and (ii) children with disabilities.

**1. Indigenous Children**

91. In its 2009 General Comment on indigenous children and their rights under the Convention, the Committee urged that “States parties should closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children’s right to life, survival and development to the maximum extent possible.”[[76]](#footnote-76)

92. Also, in the context of its discussion of the right to basic health and welfare, the Committee explained that “states should take all reasonable measures to ensure that indigenous children, families and their communities receive information and education on issues relating to… environmental sanitation and the dangers of pesticides and herbicides.”[[77]](#footnote-77)

93. The Committee has also made recommendations to States’ parties regarding their obligations to indigenous children in several Concluding Observations. For example, with regard to indigenous children’s right to health, the Committee recommended that Colombia undertake environmental and social impacts assessments of pesticides spraying to ensure that “when affected, prior consultation is carried out with indigenous communities and that all precautions be taken to avoid harmful impact of the health of children.”[[78]](#footnote-78)

94. Similarly, in its Concluding Observations regarding Slovakia, the Committee raised concerns about ethnic Roma children’s exposure to environmental hazards and recommended State action to address this concern:

The Committee remains concerned, however, that some Roma communities do not have equal access to adequate housing, have limited or no access to basic public services, live in substandard, racially segregated slum settlements exposed to environmental hazards and do not have access to clean drinking water. … The Committee recommends that the State party take all necessary measures to ensure that all communities, including Roma communities, are given equal access to adequate housing, sanitation and infrastructure, are protected from environmental hazards and given access to clean air, land and water.[[79]](#footnote-79)

**2. Children with Disabilities**

95. Article 23 of the Convention relates to children with disabilities, and provides, *inter alia,* that:

(1) States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

(2) States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.[[80]](#footnote-80)

96. Although Article 23 primarily addresses the rights of children with disabilities to special care and assistance, the Committee has noted that disabilities are sometimes caused by preventable environmental conditions.

97. Specifically, in its 2006 General Comment on the rights of children with disabilities, under the rubric of “Prevention,” the Committee noted that hazardous environment toxins contribute to the causes of many disabilities. It explained:

Toxins, such as lead, mercury, asbestos, etc., are commonly found in most countries. Countries should establish and implement policies to prevent dumping of hazardous materials and other means of polluting the environment. Furthermore, strict guidelines and safeguards should also be established to prevent radiation accidents.[[81]](#footnote-81)

# CROSS-CUTTING ISSUES

## Obligations relating to Transboundary Environmental Harm

98. In the course of interpreting the Convention, the Committee has occasionally commented on environmental problems that transcend boundaries and cause harm in multiple countries.

99. For example, as described more fully above, the Committee has made note of the environmental health issues that still plague countries affected by the Chernobyl nuclear disaster, such as Ukraine[[82]](#footnote-82) and Belarus.[[83]](#footnote-83) Likewise, the Committee has noted the environmental problems in the Aral Sea region affecting the health of children in Kazakhstan[[84]](#footnote-84) and Uzbekistan.[[85]](#footnote-85)

100. Recently, the Committee has explicitly recognized climate change as a major threat to children’s health globally. In its introduction to its 2013 General Comment regarding the right to health, the Committee stated that “[c]hildren’s health is affected by a variety of factors, many of which have changed during the past 20 years and are likely to continue to evolve in the future. […] There is also a growing understanding of the impact of climate change and rapid urbanization on children’s health.”[[86]](#footnote-86)

 101. As already noted above in Section II(D), the Committee set out duties related to addressing the impacts of climate change:

The Committee draws attention to the relevance of the environment, beyond environmental pollution, to children’s health. Environmental interventions should, inter alia, address climate change, as this is one of the biggest threats to children’s health and exacerbates health disparities. States should, therefore, put children’s health concerns at the centre of their climate change adaptation and mitigation strategies.[[87]](#footnote-87)

## Obligations relating to Non-State Actors

102. As previously referenced, the Committee recently issued a General Comment on State obligations regarding the impact of the business sector on children’s rights, which discusses the role of States in preventing harm, including environmental harm, to children’s rights by non-State private sector entities.[[88]](#footnote-88)

103. It describing the purpose of this General Comment, the Committee highlighted the need to consider harm from environmental hazards:

It is necessary for States to have adequate legal and institutional frameworks to respect, protect and fulfil children’s rights, and to provide remedies in case of violations in the context of business activities and operations. In this regard, States should take into account that …[c]hildhood is a unique period of physical, mental, emotional and spiritual development and violations of children’s rights, such as exposure to …unsafe products or environmental hazards may have lifelong, irreversible and even transgenerational consequences….[[89]](#footnote-89)

104. As discussed above, the Committee urged States parties to put in place “clear and well-enforced law and standards on labour, employment, health and safety, *environment*, anti-corruption, land use, and taxation” and made clear that “States must ensure effective implementation and enforcement” of such legal provisions in order to carry out the obligation to fulfill the rights enshrined in the Convention.[[90]](#footnote-90)

 105. In describing States’ duties regarding reparations for violations of children’s rights by business activities through environmental pollution, the Committee stated:

When determining the level or form of reparation, mechanisms should take into account that children can be more vulnerable to the effects of abuse of their rights than adults and that the effects can be irreversible and result in lifelong damage. They should also take into account the evolving nature of children’s development and capacities and reparation should be timely to limit ongoing and future damage to the child or children affected; *for example, if children are identified as victims of environmental pollution, immediate steps should be taken by all relevant parties to prevent further damage to the health and development of children and repair any damage done.*[[91]](#footnote-91)

106. These comments indicate that the Committee’s approach to environmental damage impinging on the rights of children focuses not primarily on the obligations of the private sector, but instead on the obligation of States to prevent such harms from taking place by instituting appropriate regulatory controls.

# CONCLUSIONs

107. Several trends have emerged from the foregoing discussion of how the Committee has drawn connections between the environment and the rights guaranteed under the Convention.

 108. First, the Committee has recognized a wide variety of environmental issues, from localized sanitation problems to global climate change, as important factors in the realization of (or lack thereof) the range of rights guaranteed to children by the Convention. In the Concluding Observations contained within its reports to the UN General Assembly from January 2000 through August 2013, the Committee made many references to environmental issues, across a wide range of countries, which impeded in some way the realization of the rights guaranteed by Convention.

 109. Second, the Committee’s comments indicate a comprehensive and holistic view of the role of the environment in the lives of children (and all people). Although the Committee has noted many specific instances of environmental threats to children in specific countries, it has also made broader observations regarding the environment, such as the importance of providing access to clean green spaces for purposes of leisure and play and the necessity of taking comprehensive action to address large-scale environmental problems, such as the Aral Sea disaster, which affects the economic and physical health of the entire surrounding area in the two countries that border it. Also, the Committee’s recent statement that climate change poses “one of the biggest threats” to children’s health is an example of the Committee’s approach to global environmental issues.

 110. Finally, the Committee’s interpretations of the Convention place the responsibility to prevent environmental harms that impact children’s rights on States and government actors. The Committee’s comments therefore serve as a reminder that, as the parties legally obligated under international treaties such as the CRC, national governments remain the primary means of preventing the deleterious effects of environmental degradation through the enactment of robust laws and regulations effectively implemented and enforced by administrative agencies that have been provided with appropriate power and resources.

1. United Nations Convention on the Rights of the Child, 20 November 1989 (entered into force 2 September 1990) [hereinafter CRC]*.*  [↑](#footnote-ref-1)
2. CRC, note 1 *supra,* art. 2.1. [↑](#footnote-ref-2)
3. *Ibid.* art. 4. [↑](#footnote-ref-3)
4. *Ibid.* art. 3.1. [↑](#footnote-ref-4)
5. *Ibid.* art. 44. [↑](#footnote-ref-5)
6. *See* Webpage of the Committee on the Rights of the Child: Working Methods, http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx (the website provides a more thorough introduction into the Committee’s responsibilities and methods). [↑](#footnote-ref-6)
7. These and other documents and information relating to the CRC are available on the website of the Office of the U.N. High Commissioner for Human Rights: http://www2.ohchr.org/english/bodies/crc/. [↑](#footnote-ref-7)
8. *Report of the Committee on the Rights of the Child, Thirty-Third Session*, 23 October 2003, U.N. Doc. CRC/C/132, ¶ 588. [↑](#footnote-ref-8)
9. *Report of the Committee on the Rights of the Child, Twenty-Eighth Session*, 28 November 2001, U.N. Doc. CRC/C/111, ¶ 34. [↑](#footnote-ref-9)
10. *Report of the Committee on the Rights of the Child, Forty-Third Session*, 16 July 2007, CRC/C/43/3, ¶ 67. [↑](#footnote-ref-10)
11. *Report of the Committee on the Rights of the Child, Twenty-Ninth Session*, 14 May 2002, U.N. Doc. CRC/C/114, ¶ 259. [↑](#footnote-ref-11)
12. *See, e.g., Report of the Committee on the Rights of the Child, Thirty-Second Session,* 23 June 2003, U.N. Doc. CRC/C/124. [↑](#footnote-ref-12)
13. CRC, note 1 *supra,* art. 6.1-2. [↑](#footnote-ref-13)
14. *General Comment No. 16: on State obligations regarding the impact of the business sector on children’s rights*, 7 February 2013, U.N. Doc. CRC/C/GC/16 [hereinafter *General Comment No. 16*]. [↑](#footnote-ref-14)
15. *Ibid*. ¶ 19. [↑](#footnote-ref-15)
16. CRC, note 1 *supra,* art. 19.1. [↑](#footnote-ref-16)
17. *General Comment No. 13: the right of the child to freedom from all forms of violence*, 18 April 2011, U.N. Doc. CRC/C/GC/13, ¶ 72(g) [hereinafter *General Comment No. 13*]. [↑](#footnote-ref-17)
18. *Ibid*. [↑](#footnote-ref-18)
19. CRC, note 1 *supra,* art. 24.1-2 (emphasis added). [↑](#footnote-ref-19)
20. *General Comment No. 15: on the right of the child to the enjoyment of the highest attainable standard of health*, 17 April 2013, U.N. Doc. CRC/C/GC/15 [hereinafter *General Comment No. 15*). [↑](#footnote-ref-20)
21. *Ibid.* ¶ 49. [↑](#footnote-ref-21)
22. *Ibid.* ¶ 50. [↑](#footnote-ref-22)
23. *Report of the Committee on the Rights of the Child, Twenty-Fifth Session*, 14 November 2000, U.N. Doc. CRC/C/100, ¶ 582. [↑](#footnote-ref-23)
24. *Report of the Committee on the Rights of the Child, Thirty-Third Session,* note 8 *supra*, ¶ 434. [↑](#footnote-ref-24)
25. *Concluding Observations of the Committee on the Rights of the Child: Bangladesh*, 27 October 2003, U.N. Doc. CRC/C/15/Add.221, ¶ 53. [↑](#footnote-ref-25)
26. *Report of the Committee on the Rights of the Child, Forty-Second Session,* 3 November 2006, U.N. Doc. CRC/C/42/3, ¶ 95. [↑](#footnote-ref-26)
27. *General Comment No. 9: the rights of children with disabilities*, 27 February 2007, U.N. Doc. CRC/C/GC/9, ¶ 54 [hereinafter *General Comment No. 9*]. [↑](#footnote-ref-27)
28. *Report of the Committee on the Rights of the Child, Twenty-Fifth Session*, note 23 *supra*, ¶¶ 348-49. [↑](#footnote-ref-28)
29. *Report of the Committee on the Rights of the Child, Thirty-Second* *Session,* 23 June 2003, U.N. Doc. CRC/C/124, ¶ 306. [↑](#footnote-ref-29)
30. *Report of the Committee on the Rights of the Child, Forty-Second* *Session*, note 26 *supra*, ¶¶ 362-64. [↑](#footnote-ref-30)
31. *Ibid*. ¶ 669. [↑](#footnote-ref-31)
32. CRC, note 1 *supra,* art. 27.1-3. [↑](#footnote-ref-32)
33. *Report of the Committee on the Rights of the Child, Thirty-Fourth Session*, 14 January 2004, U.N. Doc. CRC/C/133, ¶¶ 224-25. [↑](#footnote-ref-33)
34. CRC, note 1 *supra,* art. 30. [↑](#footnote-ref-34)
35. *General Comment No. 11: indigenous children and their rights under the Convention*, 12 February 2009, U.N. Doc. CRC/C/GC/11, ¶ 35 [hereinafter *General Comment No. 11*]. [↑](#footnote-ref-35)
36. *Report of the Committee on the Rights of the Child, Thirty-Fifth* *Session*, 11 May 2004, U.N. Doc. CRC/C/137, ¶ 172. [↑](#footnote-ref-36)
37. *Report of the Committee on the Rights of the Child, Forty-Fourth* *Session*, 13 March 2008, U.N. Doc. CRC/C/44/3, ¶ 305. [↑](#footnote-ref-37)
38. CRC, note 1 *supra,* art. 31.1-2. [↑](#footnote-ref-38)
39. *General Comment No. 7: implementing child rights in early childhood*, 20 September 2006, U.N. Doc. CRC/C/GC/7/Rev.1, ¶ 34 [hereinafter General Comment No. 7]. [↑](#footnote-ref-39)
40. *General Comment No. 17: on the right of the child to rest, leisure, play, recreational activities, cultural life, and the arts*, 17 April 2013, U.N. Doc. CRC/C/GC/17 [hereinafter *General Comment No. 17*]. [↑](#footnote-ref-40)
41. *Ibid.* ¶ 32. [↑](#footnote-ref-41)
42. *Ibid.* ¶ 35. [↑](#footnote-ref-42)
43. *Ibid.* ¶ 40. [↑](#footnote-ref-43)
44. CRC, note 1 *supra,* art. 32.1. [↑](#footnote-ref-44)
45. *Report of the Committee on the Rights of the Child, Twenty-Fourth* *Session,* 17 July 2000, U.N. Doc. CRC/C/97, ¶ 322. [↑](#footnote-ref-45)
46. *Report of the Committee on the Rights of the Child, Twenty-Sixth* *Session*, 22 March 2001, U.N. Doc. CRC/C/103, ¶ 244. [↑](#footnote-ref-46)
47. *General Comment No. 15*, note 20 *supra*, ¶ 71. [↑](#footnote-ref-47)
48. *General Comment No. 16*, note 14 *supra*, ¶ 29 (emphasis added). [↑](#footnote-ref-48)
49. *Ibid.* ¶ 61 (emphasis added). [↑](#footnote-ref-49)
50. CRC, note 1 *supra,* art. 3.1. [↑](#footnote-ref-50)
51. *General Comment No. 7*, note 39 *supra*, ¶ 13 (emphasis added). [↑](#footnote-ref-51)
52. *General Comment No. 14: The right of the child to have his or her best interests taken as a primary consideration*, 29 May 2013, U.N. Doc. CRC/C/GC/14, ¶ 30 (emphasis added). [↑](#footnote-ref-52)
53. *Report of the Committee on the Rights of the Child, Thirty-Second* *Session*, note 29 *supra*, ¶ 368. [↑](#footnote-ref-53)
54. *Report of the Committee on the Rights of the Child, Forty-Fourth Session*, note 37 *supra,* ¶ 364. [↑](#footnote-ref-54)
55. *Report of the Committee on the Rights of the Child, Forty-First Session*, 12 May 2006, U.N. Doc. CRC/C/41/3, ¶ 192. [↑](#footnote-ref-55)
56. *Report of the Committee on the Rights of the Child, Forty-Second Session*, note 26 *supra,* ¶ 96. [↑](#footnote-ref-56)
57. *General Comment No. 16*, note 14 *supra*, ¶ 20. [↑](#footnote-ref-57)
58. *Ibid.* ¶ 49. [↑](#footnote-ref-58)
59. *Report of the Committee on the Rights of the Child, Twenty-Fifth Session*, note 23 *supra*, ¶ 582. [↑](#footnote-ref-59)
60. *Report of the Committee on the Rights of the Child, Twenty-Fourth Session,* note 45 *supra,* ¶ 196. [↑](#footnote-ref-60)
61. *Report of Committee on the Rights of the Child, Thirty-Third Session*, note 8 *supra,* ¶ 435. [↑](#footnote-ref-61)
62. *Report of the Committee on the Rights of the Child, Thirty-Fourth Session*, note 33 *supra*, ¶¶ 485-86. [↑](#footnote-ref-62)
63. *Report of the Committee on the Rights of the Child, Thirty-First Session,* 11 December 2002, U.N. Doc. CRC/C/121, ¶¶ 348-49. [↑](#footnote-ref-63)
64. *Report of the* *Committee on the Rights of the Child, Thirty-Second Session,* note 29 *supra,* ¶ 307. [↑](#footnote-ref-64)
65. *Report of the Committee on the Rights of the Child, Forty-Second Session*, note 26 *supra*, ¶¶ 669-70. [↑](#footnote-ref-65)
66. *Report of the Committee on the Rights of the Child, Thirty-Fourth Session*, note 63 *supra,* ¶¶ 224-25. [↑](#footnote-ref-66)
67. CRC, note 1 *supra,* art. 29.1. [↑](#footnote-ref-67)
68. *General Comment No. 1: Article 29 (1): The aims of education*, 17 April 2001, U.N. Doc. CRC/GC/2001/1, ¶ 1 (emphasis added) [hereinafter *General Comment No. 1*]. [↑](#footnote-ref-68)
69. *Ibid.* ¶ 13. [↑](#footnote-ref-69)
70. *Report of the Committee on the Rights of the Child, Forty-Third Session*, note 10 *supra,* ¶¶ 944-45. [↑](#footnote-ref-70)
71. *General Comment No. 17,* note 40 *supra*, ¶ 15(b). [↑](#footnote-ref-71)
72. *Ibid.* ¶ 17. [↑](#footnote-ref-72)
73. *Ibid.* ¶ 57. [↑](#footnote-ref-73)
74. *Ibid.* ¶ 58(c). [↑](#footnote-ref-74)
75. *General Comment No. 7*, note 39 *supra,* ¶ 34. [↑](#footnote-ref-75)
76. *General Comment No. 11*, note 35 *supra*, ¶ 35. [↑](#footnote-ref-76)
77. *Ibid.* ¶ 53. [↑](#footnote-ref-77)
78. *Report of the Committee on the Rights of the Child, Forty-Second Session,* note 26 *supra*, ¶¶ 95-96. [↑](#footnote-ref-78)
79. *Report of the Committee on the Rights of the Child,* Forty-Fifth Session, 3 December 2007, U.N. Doc. CRC/C/45/3, ¶¶ 79-80. [↑](#footnote-ref-79)
80. CRC, note 1 *supra,* art. 23.1-2. [↑](#footnote-ref-80)
81. *General Comment No. 9*, note 27 *supra*, ¶ 54. [↑](#footnote-ref-81)
82. *Report of the Committee on the Rights of the Child, Thirty-First Session,* note 63 *supra,* ¶¶ 348-49. [↑](#footnote-ref-82)
83. *Report of the Committee on the Rights of the Child, Thirtieth Session,* 3 September 2002, U.N. Doc. CRC/C/118, ¶¶ 245-46. [↑](#footnote-ref-83)
84. *Report of the Committee on the Rights of the Child, Thirty-Third Session,* note 8 *supra*, ¶¶ 588, 640-41. [↑](#footnote-ref-84)
85. *Report of the Committee on the Rights of the Child, Twenty-Eighth Session*, note 9 *supra*, ¶¶ 576-77; *Report of the Committee on the Rights of the Child, Forty-Second Session,* note 26 *supra*, ¶¶ 669-70. [↑](#footnote-ref-85)
86. *General Comment No. 15*, note 20 *supra,* ¶ 5. [↑](#footnote-ref-86)
87. *Ibid.* ¶ 50. [↑](#footnote-ref-87)
88. *General Comment No. 16,* note 14 *supra.*  [↑](#footnote-ref-88)
89. *Ibid.* ¶ 4. [↑](#footnote-ref-89)
90. *Ibid.* ¶¶ 29, 61 (emphasis added). [↑](#footnote-ref-90)
91. *Ibid.* ¶ 31 (emphasis added). [↑](#footnote-ref-91)