



Submission to OHCHR on Child Rights & Sustainable Development Goals

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Context and acknowledgement

Humanium welcomes the call from the United Nations Human Rights Office of the High Commissioner (OHCHR) to submit inputs on the status of children's rights in relation to sustainable and resilient recovery from the Covid-19 pandemic. The plan to recovery is meant to address several goals assessed within the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, which is an urgent call for action by all countries to a global partnership and provides a shared blueprint for peace and prosperity for people and the planet, now and in the future. The Covid-19 pandemic has had a devastating impact on children. In particular, inadequate legislation and political measures had heightened children's vulnerabilities. The recovery from Covid-19 must include the reaffirmation and fulfillment of basic international human rights standards and the centring of the best interest of the child.

Background of Humanium

Founded in Geneva in 2008, Humanium is a Swiss-based international child rights NGO dedicated to stopping violations of children's rights around the world. The organization strives for the improvement in the basic rights of children everywhere. Humanium's activities span four complementary approaches: raising awareness of children's rights to more than five million people each year worldwide; legal assistance for victims of children's rights violations; supporting local partners with fieldwork projects for children providing mental health support, access to quality education and reducing child labour, as well as advocacy for the recognition of children's environmental rights.

Urgent Challenges and Good Practices

I. **Goal 3) Good health and well-being**

I.i **Target 3.8**

We firmly support Target 3.8, because it is paramount that each child have access to free, timely and adequate healthcare (European Observatory on Health Systems and Policies, 2017). One of the most urgent challenges brought about by the current global health emergency caused by the pandemic is to protect **children's health and well-being**; particularly to protect them from contracting Covid-19. Children, including infants and those in early childhood, can develop Covid-19. Whilst some may present mild symptoms, or none at all, children with underlying health conditions are put at increased risk by the pandemic and their protection must be prioritised. Furthermore, children can develop the severe condition *multisystem inflammatory syndrome in children* (MIS-C), that can lead to life-threatening problems with the heart and

other essential organs (Harvard Medical School, 2020). Moreover, recent studies raise concerns that children are capable of spreading the virus as easily as adults (Harvard Medical School, 2020). Whilst the ongoing, free and equally accessible education of children is paramount, the physical attendance of school puts them at increased risk of contracting Covid-19 and may be a threat to their health; the balance of these two fundamental child rights without excluding or disadvantaging any group of children, presents a particularly urgent challenge. Furthermore, ensuring child safety also means ensuring that families are safer. We underline, then, the urgent need to **include children in the first wave of Covid-19 vaccinations**, with children who have preexisting health conditions, such as asthma, and children under 5 years old taking priority.

This vaccination campaign must be free and accessible for everyone. In addition, children's mental health is impacted by the pandemic. More and more children are experiencing what has been termed "eco-anxiety" (UNICEF,

2020a). This is a form of depression related to anxiety towards children's future and the lack of hope both for their own future and that of their surroundings (The Washington Post, 2020); a point also relevant to Target 13.9 and 13.3.

I.ii Target 3.9

The European Public Health Alliance has stated that air pollution increases the risk of chronic illnesses that leave patients more vulnerable to Covid-19, such as heart disease, asthma and lung cancer whilst also reducing chances of survival. Indeed, research on previous disease outbreaks has also suggested that polluted air enables viruses to spread further. A study of SARS-CoV-1 victims in 2003 found that patients were twice as likely to die in regions where air pollution was high rather than low. Even in regions that were only moderately polluted, the risk of dying was 84% higher than in areas with little to no pollution (BioMedCentral, 2003). Similarly, a December 2020 study into air pollution and Covid-19 in France concludes that "results showed evidence of a direct relationship between air pollution and COVID-19 mortality in France [...] our study underlines the necessity to recommend further environmental intervention policies" whilst a November study in India finds that indoor pollution, particularly in kitchens, is a risk factor for Covid-19 and mortality in children (Magazinno et. a.l, 2020; Saha and Chouhan, 2020). In light of this, it is important to note that children are already particularly vulnerable to environmental risks such as: air pollution, poor quality water, sanitation and hygiene, hazardous chemicals and waste (World Health Organization, 2020). Furthermore, children and adults who are homeless and those who live in cramped or unsanitary housing are disproportionately impacted by poor air quality since they are more exposed to unfiltered and polluted air. Indeed, poor air quality is the second cause of mortality for children under 5, with Covid-19 being an accelerator of respiratory diseases that already pose a serious threat to children, who are particularly vulnerable to air pollution (UNICEF, 2020b). Humanium is strongly committed to see children's **environmental rights** recognized; we support

Target 3.9 and consider it is imperative to properly address this issue in the Covid-19 sustainable recovery plan.

Steps to sustainable recovery from Covid-19 must crucially include the need to strengthen formal national and international **recognition and respect of children's right to live in a healthy, safe and sustainable environment** for their health and welfare, as well as implementation of anti-pollution provisions and increased environmental responsibility of business enterprises. An example of good practice includes the United Nations *Resolution on Realizing Children's Rights through a Healthy Environment* as this was a key step towards the implementation of children's environmental rights (UN HRC, 2020). States, however, must be urged to recognize the right to a healthy environment in national and international legislation and should be encouraged and facilitated to do so by UN mechanisms. States, governments and institutions should all be accountable for their actions and it is pivotal that they increase the number of green areas in the most polluted towns and cities whilst ensuring effective pollution monitoring and regulation procedures. States must develop health policies which address both air quality and Covid-19 related issues, without disadvantaging low income individuals. To this end, beyond Covid-19, national policies need to address children's access to healthcare institutions and safe, hygienic housing where they can live protected from pollution, since meeting these basic needs is crucial in times of pandemic and quarantine. We believe that these good practices may also be applicable in order to react to the urgent challenges posed in relation to Goal 13 of the SDGs and in particular Target 13.b.

II. **Goal 13) Climate Action**

II.i Target 13.b

Amidst Covid-19, the need to live in a healthy environment is greater than ever; this includes **safe and healthy housing** and accommodation. Recurrent measures of quarantine make children more dependent than ever upon their home environments. Being quarantined in an unhealthy or unsafe

home environment can have grave repercussions on both children's mental and physical health, and their development (Social Market Foundation, 2020). State assessments of the ecological impact, and sustainability, of new buildings and accommodations is now a key issue and should be properly legislated and implemented taking into account SDG 13 and the best interests of the child in the context of Covid-19. Equally, States must ensure rent and housing subventions for low income families, alongside urgently increasing restrictions on powers to evict and prosecute tenants, in order to protect people and allow them to safely recover from the impact of the pandemic. Building assessments should comply both with the use of environmentally friendly materials and regulations on ecological and human impact of accommodation.

II.ii Target 13.2

Climate refugees (those forcibly displaced for environmental reasons) and all **displaced children** are extremely vulnerable to Covid-19 and its impacts. Because there are often significant barriers to accessing healthcare and other basic services for forcibly displaced people, Covid-19 compounds serious existing risks. Indeed, one-third of displaced people are situated in the 10 countries most at risk of the pandemic, demonstrating that the unique challenge to ensure forcibly displaced children are protected amidst Covid-19 is of real urgency (UNHCR, 2020). Unique barriers to safety include: compliance with new 'Covid-safe' hygiene standards is often difficult or impossible; following social distancing and lockdown measures is also difficult if not impossible; obstacles in accessing adequate facemasks; and, hydroalcoholic gels are often expensive or unavailable. It is, of course, impossible to isolate oneself if living in a crowded camp and barriers to accessing clean water hamper handwashing. Whilst many States face struggle to manage the pandemic response, displaced children and adults are often overlooked and do not benefit

from adequate safeguards or assistance (IOM UN Migration, 2020). There is an urgent need for States and the UN to formally recognise climate refugees and implement legislation for their right to increased international protection: States and the UN must legislate for climate refugees to have the right to seek asylum and be afforded safety, since those displaced by climate change across borders are otherwise outside the protection of international law and extremely vulnerable, particularly in light of the pandemic. We strongly advocate for the reference to this in the report. Moreover, specially earmarked funds should address the question of health and Covid-19 towards refugees and forcibly displaced people, including internally displaced persons and addressing the needs of children in particular. Displaced persons need special attention and new protocols; national laws of immigration and asylum need to be rethought with regards to environmental matters and should incorporate pandemics into their stipulations. Covid-19 measures oriented to challenge these new issues are essential.

III. Goal 16) Peace, justice and strong institutions

III.i. Target 16.3

It is of paramount importance to address the urgent needs and acute vulnerabilities of **children deprived of their liberty** during the pandemic; we believe that the report must address this issue in-depth. Children deprived of their liberty are at much greater risk of contracting Covid-19. An outbreak of any communicable disease presents particular risks for those in detention facilities: children are more vulnerable because of the confined conditions in which they live and the additional challenges they face in accessing a range of services, including healthcare, mental health and psycho-social support and education. Moreover, children in detention are also more likely to have limited

or zero access to information about the outbreak, including much needed information about how to protect themselves, identify symptoms, and seek treatment (UNODC, 2020). Indeed, in many countries, detention facilities for children do not meet the minimum international and regional standards, with the detention of children in and of itself presenting a threat to their rights, safety and wellbeing. Children detained for their immigration status (rather than any alleged crime), are at particularly urgent risk, since immigration detention is of substandard and unsafe conditions in many countries as has been well documented (UNODC, 2020). Children may not speak the

language of the country they are in or understand their predicament, let alone threats posed by the pandemic. **Every child in immigration detention should be released immediately and States must discontinue child immigration detention.** The continued deprivation of children's liberty undermines Target 16.3 and Target 3.8.

Humanium believes that no child should be deprived of their liberty. Those who are detained, however, are regularly prevented from enjoying full access to their rights, and are at acute risk. Alternative measures to formal judicial proceedings (i.e. diversion) and alternative measures to detention should be prioritised during the pandemic; deprivation of liberty must be a measure of absolute last resort and used only for the shortest appropriate period of time where it is essential. Covid-19 prevention strategies should be implemented by investing in healthcare services in juvenile justice facilities (often underfunded); adequate indoor and outdoor space, free, clean easily accessible drinking water, regular access fresh air and the outdoors, clean sanitation, and free mental and physical healthcare must be assured to all detained children and kept under regular independent review. Overcrowding that impedes the minimal social distancing should be

III.ii. **Target 16.9**

We advocate for the inclusion of the category of **stateless** children in the language of the Report. Despite its importance, children's right to a nationality rarely gets the urgent attention it needs (UDHR art. 15). The consequences of the lack of nationality are severe. Many stateless children grow up in extreme poverty and are denied basic rights and services such as access to education and healthcare. Stateless children often lack identity documentation which limits their freedom of movement. They are, moreover, subject to arbitrary deportations and prolonged detentions, they are vulnerable to social exclusion, trafficking and exploitation, including child labor (OHCHR, 2011). Statelessness affects more than 12 million people around the world, among whom the most vulnerable are children (OHCHR). The Open Society Justice

III.iii. **Target 16.b**

The increased use **of schools by militia and armed factions** has been observed since the outbreak of the pandemic: empty infrastructure

prevented by working more efficiently in the pre-trial phase, keeping in mind the best interest of the child; proper information to detained children about basic hygiene standards that mitigate the outbreak of the virus should be guaranteed by national legislations and justice and security practitioners (UNODC, 2020). Furthermore, we advocate for the improved respect of the right to education for children deprived of their liberty. It must be taken into consideration that many of these children come from low income families whilst some are orphans, or without any adult support network. Most of these children are destined to be biased on the basis of their past and do not have an effective opportunity to build a better future. We believe that the provision of scholarships and other targeted State subventions to those who want to invest in their studies could contribute towards reducing economic and social disparities. We also think that it is relevant for the recovery strategy from Covid-19 because this crisis is no more just medical, it is humanitarian, social and economic. An example of recent good practice following the Covid-19 outbreak that every State should immediately follow is Mexico and Greece's recent decisions to end the immigration detention of children (Human Rights Watch, 2020b).

Initiative estimates that as many as 5 million may be minors.

Children's right to a nationality must be fulfilled by States now more than ever, with partnerships between international organizations strengthened in order to guarantee basic human rights to every child, including stateless children. Moreover we suggest relevant changes in national laws that allow stateless children free primary education and free equal access to adequate healthcare. At the moment, the number of states that guarantee this right is worryingly low. The national laws of *jus sanguinis* should be derogated in cases where the alternative is statelessness with honus upon the resident State to afford stateless children a nationality.

attracts armed groups. Schools and universities are increasingly taken over either partially or entirely to be converted into military bases and

barracks, used as detention and interrogation facilities, for conflict training, and to store or hide weapons and ammunition, putting children in conflict zones in even greater danger and obstructing their access to education (Human Rights Watch, 2020a). The militant use of schools is therefore a pressing problem which requires urgent attention and reaction from implicated nations. States should commit to

publishing transparent information on armed groups in schools, to facilitate the collection of data on attacks on educational facilities; investigate and prosecute war crimes involving education; provide redress and reparations to victims; restoring access to safe education and to developing education systems.

Closing remarks

There are many grave and urgent challenges to the sustainable and resilient recovery from Covid-19 that children face. Interlinked health and environmental threats highlight the need for strengthened provisions to afford children environmental rights. Children who are stateless and from low income families are put at compounded risk, whilst detained children in the justice system, particularly those without stable immigration status, face acute vulnerability and must enjoy immediate provisions for their protection and the fulfillment of their rights. Humanium strongly recommends that the reports incorporate all these issues in the context of achieving the SDGs.

Bibliography

1. BioMedCentral. (2003). *Air Pollution and case fatality of SARS in the People's Republic of China*. Tratto da Environmental Health: <https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-2-15>
2. European Observatory on Health Systems and Policies. (2017). *Implementation of the right to health care under the UN Convention on the Rights of the Child (2017)*. Tratto da euro.who.int: <https://www.euro.who.int/en/about-us/partners/observatory/publications/studies/implementation-of-the-right-to-health-care-under-the-un-convention-on-the-rights-of-the-child-2017>
3. Harvard Medical School. (2020). *Coronavirus outbreak and kids*. Tratto da Harvard Health Publishing: <https://www.health.harvard.edu/diseases-and-conditions/coronavirus-outbreak-and-kids>
4. Harvard Medical School. (2020). *Coronavirus outbreak and kids*. Tratto da Harvard Health Publishing: <https://www.health.harvard.edu/diseases-and-conditions/coronavirus-outbreak-and-kids>
5. Human Rights Watch. (2020a). *Protecting Schools from Military Use Law, Policy, and Military Doctrine*. Tratto da Human Rights Watch: <https://www.hrw.org/report/2019/05/27/protecting-schools-military-use/law-policy-and-military-doctrine>
6. Human Rights Watch. (2020b). *Greece Commits to End "Protective" Child Detention*: <https://www.hrw.org/news/2020/11/19/greece-commits-end-protective-child-detention>
7. IOM UN Migration. (2020). *The Covid-19 Pandemic, Migration and the Environment*. Tratto da IOM UN MIGRATION: <https://environmentalmigration.iom.int/Covid-19-pandemic-migration-and-environment>
8. Magazzino, Mele and Schnieder. (2020) 'The relationship between air pollution and COVID-19-related deaths: An application to three French cities', *Applied Energy*: (279) <https://www.sciencedirect.com/science/article/pii/S030626192031312X#:~:text=These%20empirical%20investigations%20confirmed%20the,actor%20of%20COVID%2D19%20lethality>
9. OHCHR. (2011). *Children's right to a nationality*. Tratto da Open Society Justice Initiative: <https://www.ohchr.org/Documents/Issues/Women/WRGS/RelatedMatters/OtherEntities/OSJChildrenNationalityFactsheet.pdf>
10. Social Market Foundation. (2020). *Homes, health, and Covid-19: how poor housing adds to the hardship of the coronavirus crisis*. Tratto da Social Market Foundation: https://www.smf.co.uk/commentary_podcasts/homes-health-and-Covid-19-how-poor-housing-adds-to-the-hardship-of-the-coronavirus-crisis/
11. The Washington Post. (2020). Tratto da https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fmagazine%2f2020%2f02%2f03%2feco-anxiety-is-overwhelming-kids-where-s-line-between-education-alarms%2f%3farc404%3dtrue&arc404=true
12. UNHCR. (2020). *Covid-19, Displacement and Climate Change*. Tratto da UNHCR: <https://www.unhcr.org/protection/environment/5ef1ea167/Covid-19-displacement-climate-change.html>
13. UN HRC. (2020) *Rights of the child: realising the rights of the child through a healthy environment* [UN Resolution]: <https://digitalibrary.un.org/record/3888433?ln=fr#record-files-collapse>
14. UNICEF. (2020). *Growing up with eco-anxiety*. Tratto da Voices of youth: <https://www.voicesofyouth.org/blog/growing-eco-anxiety#:~:text=Children%20who%20experience%20eco%2Danxiety,advocate%20for%20eco%2Dfriendly%20policies>
15. UNICEF. (2020 b). *The COVID-19, Climate Change and Environmental Deregulation Crisis*: <https://www.unicef.org/media/77151/file/COVID-19-Climate-Change-Key-Asks.pdf>
16. Saha and Chouhan (2020). 'Indoor air pollution (IAP) and pre-existing morbidities among under-5 children in India: are risk factors of coronavirus disease (COVID-19)?' <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7362832/>
17. UNITAR. (2020). *IMPACT OF Covid-19 ON VIOLENT EXTREMISM AND TERRORISM*. Tratto da United Nations Institute for Training and Research: https://www.unitar.org/sites/default/files/media/file/Covid-19%20and%20Its%20Impact%20on%20Violent%20Extremism%20and%20Terrorism%20Factsheet_0.pdf
18. UNODC. (2020). *PROTECTING CHILDREN DEPRIVED OF LIBERTY DURING THE Covid-19 OUTBREAK*. Tratto da UNODC: https://www.unodc.org/documents/Advocacy-Section/MoS_Children_in_detention_Covid-19.pdf
19. World Health Organization. (2020) 'Children's environmental health': https://www.who.int/health-topics/children-environmental-health#tab=tab_1