**Human Rights Council resolution 40/14: Realizing children's rights through a healthy environment**

Please find below the EU contribution to the report of the Office of the High Commissioner on Special Rapporteur on the theme *'Realizing children's rights through a healthy environment* prior to the upcoming annual full-day meeting on the rights of the child (as foreseen by the HRC resolution 40/14).

As with regards to the **legal and other measures** in place to ensure that the activities of companies do not damage the environment, the EU would like to highlight the **Registration, Evaluation, Authorisation and Restriction of Chemical (REACH) Regulation** as one of its major chemical legislations. REACH, in principle, applies to all chemical substances, not only those used in industrial processes but also in our day-to-day lives, for example in cleaning products as well as in articles such as clothes, furniture or toys. REACH aims *inter alia* to ensure a high level of protection of human health and the environment from the risks that can be posed by chemicals on its own or in articles. It puts obligations on industry to collect chemical safety information as to use this information to develop and apply appropriate risk management measures. Restrictions enable the EU to impose conditions on the manufacturing, placing on the market or use of substances on its own or in articles. Authorisation is designed to ensure that hazardous substances are used safely while promoting substitution by alternatives. Hazard and risk assessments carried out under REACH take by default vulnerable sub-populations into account, e.g. children or pregnant women (Annex I). By that, REACH contributes to minimising exposure of children to hazardous substances and towards ensuring children’s’ rights to a healthy environment. Examples of substances that have recently been regulated include perfluorooctanoic acid (PFOA) and related substances. A hazard assessment of PFOA revealed that the substance binds to blood proteins of humans; mother can, for instance, transfer PFOA via breast milk to infants. This property of the substance as well as its very slow degradation in the environment together with its toxicity profile led to the identification of PFOA as a substance of very high concern. The Risk Assessment Committee, by taking exposure to children into account, concluded that the substance poses a risk to humans. Subsequently, a restriction of PFOA and related substances was adopted, which entered into force in July 2017.

The EU also put in place policies ensuring that companies undertake **environmental and human rights due diligence and do not contribute to abuses of children's rights.** As concerns public procurement, the **2014 Directives** require from the EU Member States to ensure that existing environmental, social and labour law obligations at national, EU and international (core ILO conventions and selected environmental agreements) level are complied with in the execution of public contracts are executed. Furthermore, contracting authorities can introduce specific criteria and contract clauses in their tenders, to ensure that contractors and subcontractors adopt a system of environmental and human rights due diligence throughout the supply chain of the purchase to be delivered. The measures can include e.g. codes of conduct with incentives, sanctions, periodic reporting obligations and dialogues with suppliers, auditing etc. To combat **hazardous forms of child labour** in which children are at particular risk of exposure to hazardous and toxic substances, the 2014 Directive include a specific exclusion ground related to trafficking in human beings and child labour. A conviction for either will lead to an automatic exclusion of the supplier, unless the operator can demonstrate it has taken sufficient measures to remedy its behaviour. In absence of a conviction, a contracting authority may exclude a supplier from the procurement if it can demonstrate that it is responsible for violating applicable environmental, social or labour law obligations.

The EU is convinced that all rights of all children can only be realised with **children participation** in decisions affecting their rights. In this light, decisions to identify substances as substances of very high concern, to authorise the use of such a substance or to restrict substances, go along with a consultation of the public and stakeholders. Individuals and organisations representing children’s rights are invited to provide comments on regulatory decisions under consideration.