

Input to the UN Special Rapporteur on the Environment and the Rights of the Child

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Submitted by: Bonnie Hamilton Bogart, Village of Gagetown, New Brunswick,
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Thank you for your request for input on the Environment and the Rights of the Child. It is a topic that has captured much of my attention and energy for the last 15 years, in my various roles as early childhood and environmental health consultant, Team Lead for the policy team of the New Brunswick Children's Environmental Health Collaborative, and most importantly, grandmother. Throughout these years, I have developed a deep conviction that as a society, we must make children's wellbeing the central organizing principle of environmental rights. I offer part of my rationale below:

Changes in climate and extreme weather events bring instability to the major determinants of human health. Children, who depend on their caregivers for their safety, have a fundamental right to justice regarding the condition of the planet on which they will live and raise their own children. Court decisions in the Philippines¹ (1993), the Netherlands² (2015) as well as Massachusetts, Oregon Washington, North Carolina, New Mexico, Pennsylvania and Colorado³ established legal precedents of governments to protect the right of young people to a stable climate and healthy atmosphere in the future. *Failure to take action on climate change would be an act of injustice to all children*⁴.

Columbia University researcher Frederica Perera, argues for a child-centered energy and climate policy, based on the health impacts on children from fossil fuel consumption and its associated air pollution. She noted that the burning of fossil fuels releases toxic air pollutants contributing to low birth weight, cognitive and behavioral disorders, asthma and other respiratory illnesses⁵.

Within this context, I'll provide my input under the suggested categories.

Examples of Legislation, Policies and Programs:

1. In 2010, the Healthy Environments Branch was created and implemented under the Office of the Chief Medical Officer of Health (OCMOH), a division of the New Brunswick Department of Health. Officials of the Office attributed the opening of this unit, in part, to their involvement with the NB Children's Environmental Health Collaborative, a network described under the next category. Using a population health approach, OCMOH's mission was "to support healthy growth and development, foster healthy lifestyles, control communicable diseases, and protect the public from adverse health consequences of exposure to chemical, physical and biological agents"⁶. On August 31, 2017, the governing Liberals split up OCMOH, placing its remnants in three separate departments, and sabotaging its ability to promote and protect public health⁷.
2. We are fortunate in the Province of New Brunswick to have a strong advocate for children: our Office of the Child and Youth Advocate, operating at arms' length from government. This Office has accomplished much to protect children's rights in New Brunswick:
 - *Child Rights Impact Assessments*, implemented by government in 2013. Based on the UN Convention on the Rights of the Child, this tool serves as a lens for all Cabinet decisions of government, so that children's rights are taken into consideration and protected with respect to all government legislation, regulations and policy changes.
 - *The Child Rights Indicators Framework* is an annual report on the state of children's rights and wellbeing in the province, again, based on the UN Convention on the Rights of the Child.

Examples of Good Practices that promote and protect children's rights:

- The New Brunswick Children's Environmental Health Collaborative is a network of nearly 500 people, mostly New Brunswickers, from nearly 100 agencies and organizations, representing three levels of government, non-government organizations, academia, professional associations from the health, environment and education sectors, the private sector and individuals. Its mission is to work collaboratively to improve children's health and wellbeing by increasing children's exposure to healthy environments and reducing children's exposure to environmental hazards that may contribute to illness, disability, disease or death.⁸
- New Brunswick Children's Environmental Health Collaborative is now part of the ECHO Project, "a 5-year research program, working together across sectors to take notice of – and respond to – the influences of resource development on health and well-being, with specific emphasis on rural, remote and Indigenous communities and environments." (See attached material.)

- A Proposed Bill of Rights to protect children’s health from environmental hazards has been drafted and submitted to various Ministers of Health and Environment over a period of 4 years (2014-2017). Another approach to government is planned for this fall, with the goal of getting the Bill introduced into the Legislature.
- Currently, Team Policy of the New Brunswick Children’s Environmental Health Collaborative is working together with the Office of the Child and Youth Advocate and the University of New Brunswick to develop children’s environmental health indicators for the province.

Our government’s challenges:

- We are a small province (750,000), the poorest in Canada, with an aging population due to outmigration of our young workers to the western provinces who are seeking work in the oil patch. Our health care system is in crisis, under the weight of our aging population.
- Our forests have lost much of their biodiversity and consist largely of plantations for growing trees for fibre. We are known as the Canadian province that sprays the greatest volume of glyphosate, often over sources of drinking water and along the shorelines of important streams and rivers.

Examples related to the regulation of corporations:

- Our province is vulnerable to the influences of large corporations. One example is the contract signed in 2013 between a large forestry industry (JD Irving) and government, handing over the management of Crown lands to the corporation for 25 years, with no option to amend the contract.

Any laws or policies referring to the rights of future generations in relation to environmental matters

None

Respectfully submitted,

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<http://www.nben.ca/index.php/en/groups-in-action/working-together/new-brunswick-children-s-environmental-health-collaborative>

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ENDNOTES

¹ Cameron, S.D. 2016. *Warrior Lawyers: From Manila to Manhattan: Attorneys for the Earth*. Halifax: Green Interview Books (at thegreeninterview.com), 165.

² Cameron, S.D. 2016. *Warrior Lawyers: From Manila to Manhattan: Attorneys for the Earth*. Halifax: Green Interview Books (at thegreeninterview.com), 277.

³ Conca, J. May 19, 2016. *Children Win Another Climate Change Legal Case in Massachusetts Supreme Court*. Accessed January 11, 2017 at: <http://www.forbes.com/sites/jamesconca/2016/05/19/children-win-another-climate-change-legal-case-in-mass-supreme-court/#51c05c6d556b>

⁴ Ahdoot, S. and Pacheco, S. Global Climate Change and Children's Health. *American Academy of Pediatrics*. *Pediatrics*. 136:5, November 2015, e2.

⁵ Perera, F. June 21, 2016. The case for a child-centered energy and climate policy. *Environmental Health News*. <http://www.environmentalhealthnews.org/ehs/news/2016/june/opinion-the-case-for-a-child-centered-energy-and-climate-policy> .

⁶ NB Health Protection Branch and Healthy Environments Unit. PowerPoint presentation to Province-wide conference of the NB Children's Environmental Health Collaborative. Karen White. November 17, 2010. <http://nben.ca/en/province-wide-conference-reports-presentations?start=20>

⁷ CBC News. September 1, 2017. <http://www.cbc.ca/news/canada/new-brunswick/restructure-office-health-threat-new-brunswickers-1.4272650>

⁸ New Brunswick Children's Environmental Health Collaborative. <http://www.nben.ca/index.php/en/groups-in-action/working-together/new-brunswick-children-s-environmental-health-collaborative>