



**THE GLOBAL NETWORK
FOR HUMAN RIGHTS
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Resources Document to inform the consultation on the Right of the Child to a
Safe, Clean, Healthy and Sustainable Environment



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This resource document was prepared by a working group of the Global Network of Human Rights and the Environment (GNHRE). The working group has compiled these resources to inform the consultation on the right of the Child to a safe, clean, healthy and sustainable environment as part of the Draft general comment No. 26 on children's rights and the environment with a special focus on climate change. The GNHRE has contributed to the consultation in partnership with Terre des Hommes and Child Rights Connect.

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1. Reports of the special rapporteur on human rights and the environment:

Report	References to Children’s Rights and the Environment
<p>A/76/179 (2021)</p> <p>Health and sustainable food: reducing the environmental impacts of food systems on human rights</p>	<p>29. The environmental impacts caused primarily by industrial food systems interfere with the enjoyment of a wide range of human rights, including the rights to life, health, water, food, a healthy environment, development, an adequate standard of living, cultural rights, the rights of the child and Indigenous rights.</p> <p>32. The Committee on Economic, Social and Cultural Rights stated that food should be “free from adverse substances.” Unfortunately, food can be a source of exposure to harmful bacteria, viruses, heavy metals, pesticides, growth hormones, microplastics and dioxins. WHO estimates that foodborne hazards cause 420,000 premature deaths annually, disproportionately affecting children under 5 (125,000 deaths) and people living in poverty.</p> <p>38. Pesticides used in agriculture have contributed to increased yields but are linked to cancer, stroke, congenital anomalies, adverse impacts on children’s neurological development and neurodegenerative diseases including Parkinson’s. Non-lethal pesticide poisonings range from 30 million 56 to 385 million cases annually. The Committee on Economic, Social and Cultural Rights expressed concerns about the serious health effects suffered by farming communities because of excessive agrochemical use and recommended that States ban all agrochemicals that adversely affect human and environmental health.</p> <p>F. Rights of children</p> <p>57. The Convention on the Rights of the Child requires “the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution”. Unfortunately, in 2019, 149 million children under 5 years of age were stunted, 45 million wasted and 39 million overweight, while at least 340 million children suffered from micronutrient deficiencies. Despite studies showing breast milk may be contaminated by environmental pollutants, it remains the best choice for infant health.</p> <p>58. The Committee on the Rights of the Child has warned States about the dangers to children’s health posed by water pollution, specifically agrochemicals. 87 Children often undertake agricultural labour, risking exposure to pesticides. Young children</p>



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playing may be exposed to pesticides and contaminated soil, jeopardizing their neurological development. Early exposure of children to nitrates in water contaminated by agricultural fertilizer run-off can stunt their growth and affect brain development. The Committee urged States to strengthen the implementation of laws and other measures to ensure that the negative impact of “agrochemicals on underlying determinants of health, such as food, safe drinking water and sanitation, is minimized and that the entities responsible are held accountable and victims afforded effective remedies”. The Committee also suggested that States reduce the use of agrochemicals, ban the use of pesticides prohibited in other States, strictly regulate aerial spraying, carry out comprehensive assessments of the health effects of air, water and soil pollution and increase monitoring of pollution and pesticide residues.

59. It is important to acknowledge and amplify children’s voices. Among the comments submitted for the present report:

“We should create vertical farms around the world to make plant-based food accessible to everyone”

“Preserve the Amazon and limit the deforestation caused by agriculture”

“Reduce animal agriculture to make way for more sustainable farming practices”

“Eat less meat, eat local, seasonal and organic food”

“Make people more aware about how much food they waste”

“Mandatory use of organic food in schools”

“Make laws against plastic that is not needed in packaging and make it compulsory to use sustainable packaging ... Ban plastic toys and glitter in fast food restaurants”

62. Lack of access to land is exacerbated by land, water and resource grabbing, often resulting in the forced eviction, displacement or loss of access to land for Indigenous peoples, peasants and local communities. The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination warned that businesses contribute to land-grabbing through financing, processing or trading palm oil, soybeans and other agricultural commodities, thus violating the rights of Indigenous peoples and children. 95 Other examples include the sale of oil exploration rights to hundreds of thousands of hectares of the Amazon to foreign companies despite the objections of Indigenous peoples and the sale of valuable farmland in Africa and elsewhere to foreign corporations. It is widely understood that, for Indigenous peoples and peasants, the loss of land leads to the destruction of their traditional way of life.



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	<p>77. Businesses play an important role in food systems but are responsible for input-heavy monoculture plantations, intensive livestock operations, land and watergrabbing, deforestation and overfishing, thus exacerbating the global environmental crisis. Through the production and marketing of unhealthy ultra-processed foods, including advertising aimed at children, businesses negatively influence dietary choices.</p> <p>94. While the foregoing changes are necessary, they are not sufficient to achieve the required transformation of today's food systems. Fulfilling the rights to food and a healthy and sustainable environment requires additional policy and governance changes:</p> <p>(a) Increase equity:</p> <p>...</p> <p>c. Invest in vocational programmes for rural youth that offer training in food-related skills;</p> <p>...</p> <p>(b) Promote healthy and sustainable diets:</p> <p>...</p> <p>f. Prohibit marketing of breast milk substitutes and ultra-processed foods intended for babies, toddlers and young children;</p> <p>...</p> <p>h. Provide food literacy programmes to the general population and children in particular;</p>
<p>Annex to A/GA/76/179</p> <p>Good Practices</p>	<p>136. France's Law on the fight against food waste (No. 2016-138) establishes a hierarchy of actions to be taken by each actor in the food chain, in descending order: prevent waste; use unsold food for human consumption; use unsold food for animal feed; and use unsold food for composting and energy recovery. The Law also targets training and education for children in schools by requiring information to be disseminated on food waste. Addressing food waste is also to be integrated into sustainability initiatives undertaken by businesses.</p>



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	<p>142. Children and youth around the world are expressing grave concern about the impacts of climate change upon their future. The minimum voting age should be lowered to 16 years or lower to enable youth to participate in and influence the political system, which is so integral to shaping the world they will inherit. The voting age has already been lowered to 16 in a number of nations including Argentina, Austria, Ecuador, Estonia, and Scotland. Youth Parliaments are also a powerful tool for amplifying the voices and concerns of young people, with inspiring examples from Guyana and Scotland.</p>
<p>A/HRC/46/28 (2021) Human rights and the global water crisis: water pollution, water scarcity and water-related disasters</p>	<p>11. Over 4 billion people – half the global population – lack access to safely managed sanitation, meaning their excreta is untreated, threatening human and ecosystem health.⁸ Of those people, 673 million have no access to toilets, forcing them to practise open defecation. An estimated 367 million children attend schools without toilets. Only one in four people in least developed countries enjoy access to soap and water in their homes for handwashing purposes.⁹ The consequences for health and human rights during the coronavirus disease (COVID-19) pandemic have been catastrophic.</p> <p>12. Waterborne disease causes nearly 2 million preventable deaths worldwide annually, with the greatest burden falling on children under 5 years of age.¹⁰ Water-related diseases are closely linked to poverty, and disproportionately affect vulnerable groups.</p> <p>III. Impacts of the global water crisis on human rights</p> <p>25. Water pollution, water scarcity and water-related disasters have major impacts on a wide range of human rights, including the rights to life, health, water, sanitation, food, a healthy environment, education, an adequate standard of living, development and culture, and on the rights of the child. The Committee on Economic, Social and Cultural Rights has observed that “water is indispensable for leading a life in human dignity”.</p> <p>A. Right to life</p> <p>26. Although water is essential to life, contaminated water and water scarcity can cause death. Nearly 2 million deaths could be prevented annually with safe and sufficient water. This includes hundreds of thousands of preventable deaths of children aged 5 and under, mostly in low-income countries.</p> <p>F. Rights of children</p> <p>43. Every day, more than 700 children under the age of 5 die from water- and sanitation-related diseases.⁴⁸ By 2040, almost</p>



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600 million children will live in regions with extremely limited water resources.⁴⁹ Water-related disasters threaten the physical and mental health of youth. Globally, over 500 million children live in extremely high-risk flood zones; 160 million live in areas of high or extremely high drought severity, and 115 million are at high risk from tropical cyclones.

44. The Committee on the Rights of the Child has warned States about the dangers posed by water pollution for children’s health, mentioning specifically agrochemicals, illegal mining and inadequate sewage treatment.⁵¹ Children are particularly susceptible to diseases related to water pollution. Early exposure of children to nitrates in water contaminated by agricultural fertilizer run-off stunts their growth and affects brain development, impacting their health in ways that have lifelong consequences. Roundworm, whipworm and hookworm diseases occur through exposure to soil contaminated with faeces, and can affect the nutritional status, growth and cognitive development of children.

45. It is imperative to listen to children’s voices. Children submitted the following Comments for the present report: “Make sure that the global water situation doesn’t get worse, because every child has the right to grow up with access to clean water”; “Children should have the right to rivers with sufficient water, free of litter or harmful substances”; “Ensure clean water for the entire population, especially the most needy”; “Stop pumping sewage into the sea”; and “I want world leaders to take immediate action to save the planet – pass laws to ensure the oceans are clean, pollution is reduced, animals are protected, and life is sustained”.

58. During the universal periodic review, States have been urged to develop comprehensive strategies to reduce water pollution. In the context of safe and sufficient water, a rights-based approach demands “that States prioritize addressing the most urgent and serious impacts on human rights, whether they stem from domestic, industrial or agricultural water contamination”. States have particular obligations to indigenous peoples, local communities, peasants, women, children, minorities, persons with disabilities, older persons and other potentially disadvantaged or vulnerable communities.

66. States must “establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights”. All States should enact and enforce national standards for drinking water quality and wastewater effluent quality, while banning particularly hazardous substances. Regulations should also set standards for improving the collection, treatment and reuse of wastewater, agricultural run-off and urban run-off, and improving sludge management. National standards must take into consideration the best interests of children.⁸⁰ States should follow the United Nations Environment Programme Framework for Freshwater Ecosystem Management, and guidance from WHO on standards for drinking water quality and safe use of wastewater, excreta and greywater. Clear standards increase accountability. While the majority of States have established standards for drinking water quality, in many States water quality does not meet those standards, pointing to implementation problems.



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	<p>International actions</p> <p>...</p> <p>(g) Increase accountability by ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;</p>
<p>Annex to A/HRC/46/28</p> <p>Good Practices</p>	<p>95. Mozambique’s Water Regulatory Council is involved in decisions regarding service delivery standards and affordability in order to ensure access to water and sanitation for people in poverty, particularly in slums. The Council found that to deliver services effectively it is necessary to go beyond traditional models, understand who does not have access and why, and find solutions based on the reality on the ground. Mozambique promotes the restructuring of tariffs to improve affordability, such as deferring connection charges so they are paid over a series of billing periods. In Mozambique, some communities (e.g. the village of Ndombe), are using solar electricity to power community water systems. Many women are involved in managing and maintaining these systems. Women also benefit from increased economic opportunities. For example, improved irrigation systems enable women to sell vegetables and fruits and increase their income. The improved yield of crops also impacts diets, reducing malnutrition especially among women and children.</p>
<p>Press Release for A/HRC/46/28</p>	<p>Boyd said half the world’s population live without safely managed sanitation and urgent action was also needed to help the more than three billion people who either lack access to safe drinking water, or face periodic water shortages.</p> <p>“Water pollution, water scarcity, water-related disasters and damage to healthy freshwater ecosystems have major impacts on a wide range of human rights, including the rights to life, health, water, sanitation, food, a healthy environment, an adequate standard of living, development, culture, and the rights of the child,” he said.</p>
<p>A/75/161 (2020)</p> <p>A healthy biosphere and the right to a healthy environment</p>	<p>F. Rights of the child</p> <p>49. The failure of States to prevent the degradation of an ecosystem or the extinction of a species could violate children’s rights to life, health, culture and a healthy environment. The United Nations High Commissioner for Human Rights stated that “all children should enjoy (...) the certainty that the biodiversity of the natural world will remain for future generations”.</p> <p>50. The Committee on the Rights of the Child is concerned about the decline of nature. In concluding observations about the Lao People’s Democratic Republic, the Committee warned of “deforestation and the unrestrained construction of dams, which leads to forced displacement, degradation of biodiversity and erosion of riverbanks, severely affecting the life and subsistence possibilities of people in the area”. The Committee also expressed concerns about the impacts of biodiversity loss on children</p>



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	<p>and their rights in Seychelles.</p> <p>51. The voices of children themselves are essential. They submitted the following ideas for the present report: give young people opportunities to take action to support biodiversity and ecosystems; stop cutting down and burning forests; respect for nature is essential; pass laws to ensure that the oceans are cleaned, pollution is reduced, animals are protected and life is sustained; and there is no point in asking young people for their opinion and input if it does not influence the final decision.</p> <p>III. Human rights obligations relating to healthy ecosystems and biodiversity</p> <p>...</p> <p>63. Treaty bodies are also increasingly highlighting the human rights impacts of damage to ecosystems and biodiversity. The adverse impacts of deforestation on human rights were mentioned in concluding observations by the Committee on the Elimination of All Forms of Discrimination against Women (Côte d’Ivoire and Guyana), the Committee on the Rights of the Child (Gabon, Guinea and Haiti), the Committee on Economic, Social and Cultural Rights (Argentina, Brazil and Colombia), and the Committee on the Elimination of Racial Discrimination (Paraguay). The Committee on the Rights of the Child expressed concern that the oil and gas industry of the Russian Federation is having negative impacts on indigenous peoples, including children, through deforestation and pollution and “by endangering the species that are crucial to their livelihoods”. The Committee on the Elimination of Racial Discrimination urged Suriname to respect indigenous peoples’ human rights by completing adequate social, cultural and environmental impact assessments for developments proposed in their ancestral territories, pursuant to the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to Take Place on, or which are Likely to Impact On, Sacred Sites and On Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities, developed under the Convention on Biological Diversity.</p>
<p>Annex to A/75/161</p> <p>Good Practices</p>	<p>23. Laws in France and the Netherlands provide useful examples of national requirements for due diligence by businesses to address environmental and human rights (including child labour). Effective due diligence should include access to remedies and complaint mechanism which enable third parties to highlight concerns and seek redress, consistent with the UN Guiding Principles on Business and Human Rights. France requires large companies to conduct due diligence on the environmental and human rights implications of operations and supply chains, including children’s environmental health rights. The Netherlands enacted child labour due diligence legislation, requiring companies to assess whether their goods have been produced using child labour, create a prevention plan and submit a statement detailing due diligence efforts to the Government. Finland is in the process of developing a binding regulatory framework based on due diligence requirements that companies will be required to meet in their operations both in Finland and abroad.</p>



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37. Many States, including Australia, Azerbaijan, China, El Salvador, France, Georgia, Guatemala, the Philippines, Qatar and Switzerland, as well as the State of Palestine, report having taken measures to improve children's environmental education, including information related to ecosystems and biodiversity. Environmental leadership workshops have been established for Indigenous youth in Mountain Province, Philippines.

46. Ecuador's Process of Promotion of Rights and Consultation of Children and Adolescents at the national level reached around 70,000 children aged 7 to 17. Among the priority issues identified by young persons were the need to protect trees, animals and biodiversity, and punish those responsible for harming nature. The voices of youth were then incorporated in the "National Plan for the Comprehensive Protection of Children and Adolescents to 2030" and the "Comprehensive Policy for the Promotion and Protection of the Rights of Persons Defending Human Rights and Nature."

48. The Global Youth Biodiversity Network is an interconnected and interdisciplinary network of young people from every region of the world, who share the common goal of preventing and halting the loss of biodiversity. Members are active in international forums to promote their rights and perspectives, including conferences of the parties to the Convention on Biological Diversity and other treaties.

164. One of the most widely reported good practices involves planting trees, which engages the public and provides a wide range of benefits to people and nature. These efforts range from Timor Leste to Pakistan. Timor Leste has a program called One Child, One Tree which involves the distribution of trees to all the schools throughout the country. Trees are to be planted within the school compound as well as in each student's household. Pakistan launched the 10 Billion Tree Tsunami initiative in 2018, following a successful program in the state of Khyber Pakhtunkhwa.

173. Efforts to restore and expand forests are underway in dozens of States including El Salvador, Ireland, Serbia, Turkmenistan, and Uruguay. In Azerbaijan, from 2000 to 2017, afforestation and reforestation measures were carried out on 150,000 hectares and almost 100 million trees were planted. In El Salvador, more than 350 sites have already been reforested. Plantatón Uruguay intends to engage youth to help the country restore 200,000 hectares of forests, facilitating adaptation to climate change and conserving biodiversity.

180. In 2011, the Philippines enacted a total ban on logging in natural forests, permitting trees to be cut only on plantations. This action was motivated by concerns about climate change, landslides, and a desire to ensure that future generations of Filipinos would be able to enjoy old-growth tropical forests and their rich biological diversity. An impetus for this good practice



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	<p>was a 1993 Supreme Court decision in a ground-breaking lawsuit led on behalf of children and future generations. The case asserted that clear-cutting old-growth forests violated the constitutional right to live in a healthy environment, and the court’s powerful judgment led to the cancellation of many logging contracts.</p> <p>182. Benin enacted an innovative Sacred Forest Law in 2012. The law states that “The sacred forest should be sustainably managed by the community to maintain its ecological, economic, socio-cultural, spiritual and recreational functions” (Article 4). A leading example is Gnanhouizounmè Sacred Forest, a site that has been cared for by the local people for centuries. The people of Gnanhouizounmè are active managers of their own forest and implement an ongoing regeneration programme, with sapling nurseries in most of the local villages. To increase knowledge and pride about their natural heritage, especially in their children, the community built a nature education center.</p> <p>222. Children and youth around the world are expressing grave concern about the impacts of climate change upon their future. The minimum voting age should be lowered to 16 years or lower to enable youth to participate in and influence the political system, which is to integral to shaping the world they will inherit. The voting age has already been lowered to 16 in a number of nations including Argentina, Austria, Ecuador, Estonia, and Scotland.</p>
<p>A/HRC/43/53 (2020) Good practices on the right to a safe, clean, healthy and sustainable environment</p>	<p>2. Public participation in environmental decision-making</p> <p>26. In 2017, Finland created the Agenda 2030 Youth Group to serve as an advocate for the Sustainable Development Goals and to participate in national planning and implementation to achieve them. The Agenda 2030 Youth Group comprises 20 people with diverse backgrounds, aged between 15 and 28 years, from all over Finland. The group organized a debate on climate change for presidential candidates and a youth climate summit in 2019, which involved 500 young people.</p> <p>C. Substantive elements</p> <p>1. Clean air</p> <p>38. Nine out of 10 people globally live in areas that do not meet World Health Organization guidelines for air quality. Air pollution causes 7 million premature deaths annually, including 600,000 children under the age of 5. More than 2 billion people still rely on polluting cooking systems.</p> <p>43. There is compelling evidence to suggest that enacting and enforcing strong air quality regulations save lives and prevent</p>



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	<p>illnesses. Since the Clean Air Act was enacted in 1970, the American economy has grown by 262 per cent (measured by increased GDP) while achieving an average reduction of 73 per cent for the six main air pollutants. The costs of the Clean Air Act are measured in billions of dollars, while the benefits are in the trillions. Reduced air pollution in California resulted in significant improvements in children’s lung function.</p> <p>45. Household air pollution from the use of inefficient stoves burning biomass, kerosene and coal causes millions of premature deaths every year. Women and children face the highest risks. The most rapid progress in providing access to clean cooking, through either liquefied petroleum gas, piped natural gas or electricity, has been achieved in India, Indonesia, Pakistan, the Sudan and Viet Nam.</p> <p>2. A safe climate</p> <p>...</p> <p>55. Guatemala, Mexico, Morocco and the Philippines provide examples of climate change legislation addressing gender equality. In Mexico, the General Law on Climate Change includes a specific focus on gender equality and empowering women. In the Philippines, the Climate Change Act of 2009 requires the State to incorporate “a gender-sensitive, pro-children and pro-poor perspective” in all climate change and renewable energy efforts, plans and programmes.</p>
<p>A/HRC/43/53/Annex III</p> <p>Additional good practices in the implementation of the right to a safe, clean, healthy and sustainable environment</p>	<p>II. Additional good practices in the implementation of the right to a safe, clean, healthy and sustainable environment</p> <p>A. Procedural elements</p> <p>3) Access to justice</p> <p>17. Chile’s National Human Rights Institution and the Chilean Ombudsperson for Children both used litigation against the government in an effort to address an air pollution crisis in the communities of Quintero and Puchuncavi. Rooted in the constitutional right of Chileans, including children and youth, to live in a pollution-free environment, the case resulted in a strong decision from the Supreme Court of Chile. The Ombudsperson also undertook on-site visits to schools and called for a focus on preventing pollution so children and youth can enjoy all of their human rights.</p> <p>B. Substantive elements</p>



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1) Clean air

20. An air quality health index has been developed using air quality data produced by the Hungarian air quality monitoring network. The four categories of the air quality index are based on the health effects of the major air pollutants. The index values are depicted on a map for all settlements where at least one monitoring station is located and published daily. Norway provides an air quality forecast for today and tomorrow at all times in the entire country that can be accessed through mobile phones, computers and tablets. The forecast, shown in maps and graphs, includes dust, nitrogen dioxide, ground-level ozone, particulate matter. Health advice is provided for the general public, seniors, children, pregnant women, and people who are vulnerable to air pollution due to pre-existing health conditions such as asthma and cardiovascular diseases.

...

31. In response to problems caused by transboundary air pollution, Singapore created a program in 2013 to subsidize medical treatment for air pollution-related illnesses experienced by vulnerable populations including children, the elderly, and low-income residents. Approximately 100,000 people benefited from these medical subsidies.

2) A safe climate

Laws and policies

58. Children and youth whose voices are often ignored in political debates are increasingly turning to the judicial system to protect their rights against climate impacts. In the United States, a group of youth plaintiffs asserted that a stable climate system is a prerequisite for enjoying many rights, including the right to life. The government's motion to dismiss the case was rejected by a Federal District Court judge who wrote "I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society." The case is ongoing. Children and youth have filed similar lawsuits in all fifty US states.

59. In Colombia in 2018, the Supreme Court ruled in favour of 25 young people who had filed a lawsuit to protect their constitutional rights to life, food, water, and a healthy environment from deforestation and climate change. The court upheld the children's rights and ordered the Colombian government to work with the youth to develop an effective plan to halt deforestation in the Amazon.

...

Energy efficiency



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91. Many countries, led by India and Indonesia and also including Benin, Ecuador, Guatemala, Honduras, and Uganda, are making major efforts to reduce polluting cookstoves with cleaner fuels and technologies, which not only results in cleaner air and improved health (especially for women and children), but also reduces greenhouse gas emissions.

5) Non-toxic environments in which to live, work and play

150. Some businesses in industrialized countries continue to sell toxic products in developing countries, which is an inexcusable practice that governments should prohibit. Lead is a toxic substance that can harm anyone but has particularly devastating effects on the development of infants and children. The global phase-out of lead in gasoline, paint and other consumer items has been generally successful, generating enormous long-term health and economic benefits. Most, but not all, countries prohibit the use of leaded gasoline, restrict the use of lead in paint, and have rules limiting the use of lead in consumer products, particularly those intended for use by children. Nevertheless, some businesses in industrialized countries continue to sell lead and lead-based products in developing countries, which is an inexcusable practice that governments should prohibit. Similarly, some businesses sell extremely dirty diesel and gasoline in West Africa (containing sulphur levels hundreds of times higher than European law permits).

6) Healthy ecosystems and biodiversity

178. In 2011, the Philippines enacted a total ban on logging in natural forests, permitting trees to be cut only on plantations. This action was motivated by concerns about climate change, landslides, and a desire to ensure that future generations of Filipinos would be able to enjoy old-growth tropical forests and their rich biological diversity. An impetus for this good practice was a 1993 Supreme Court decision in a ground-breaking lawsuit led on behalf of children and future generations. The case asserted that clear-cutting old-growth forests violated the constitutional right to live in a healthy environment, and the court's powerful judgment led to the cancellation of many logging contracts.

...

180. One of the most widely reported good practices involves planting trees, which engages the public and provides a wide range of benefits to people and nature. These efforts range from Timor l'este to Pakistan. Timor l'este has a program called One Child, One Tree which involves the distribution of trees to all the schools around the country. Trees are to be planted within the school compound as well as in each student's household. Pakistan launched the 10 Billion Tree Tsunami initiative in 2018, following a successful program in the state of Khyber Pakhtunkhwa.



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<p>A/HRC/43/53/Annex IV – Africa</p>	<p>Benin:</p> <p><u>Legislative provisions</u> Article 17 of the Law No. 2015-08 of 8 December 2015 establishing the Children’s Code of Benin <i>All children have the right: ...</i> <i>g) to live in a healthy and peaceful environment; ...</i> <i>i) to access healthcare, in particular vaccinations and drinking water.</i> <i>Tout enfant a le droit: ...</i> <i>g) de vivre dans un environnement sain et pacifique; ...</i> <i>i) d’accéder aux soins de santé, notamment à la vaccination et à l’eau potable.</i></p> <p>Gabon:</p> <p><u>Constitutional provisions</u> Article 1(8) of the Constitution of Gabon (with amendments up to 2011) <i>The Gabonese Republic recognizes and guarantees the inalienable and imprescriptible human rights, which are necessarily tied to the public powers: ...</i> <i>(8) The State, according to its means, guarantees to all, notably to children, mothers, the handicapped, aged workers and the elderly the protection of health, social security, a preserved natural environment, rest and leisure;</i> <i>La République gabonaise reconnaît et garantit les droits inviolables et imprescriptibles de l’Homme, qui lient obligatoirement les pouvoirs publics: ...</i> <i>8°) L’Etat, selon ses possibilités, garantit à tous, notamment à l’enfant, à la mère, aux handicapés, aux vieux travailleurs et aux personnes âgées, la protection de la santé, la sécurité sociale, un environnement naturel préservé, le repos et les loisirs;</i></p>
<p>A/HRC/43/53/Annex V – Asia-Pacific</p>	<p>Viet Nam:</p> <p><u>Legislative provisions</u></p>



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	<p>Article 4 of the Law on Environmental Protection No. 55/2014</p> <ol style="list-style-type: none"> 1. <i>Environmental protection is the responsibility and obligation of every agency, organization, family, household and individual.</i> 2. <i>Environmental protection must harmonize with the economic growth, social security, assurance about the children's right, promotion of gender equality, development and conservation of biodiversity, response to climate changes, in order to ensure the human right to live in a pure environment.</i>
<p>A/HRC/43/53/Annex VI – Eastern Europe</p>	<p>Nothing specifically referencing children or youth</p>
<p>A/HRC/43/53/Annex VII – Latin American and the Caribbean</p>	<p>El Salvador</p> <p><u>Legislative provisions</u></p> <p>Article 35 of the Law for the Integral Protection of Children and Adolescents, Decree No. 839 of 2009</p> <p><i>Right to a healthy environment.</i></p> <p><i>Children and teenagers have a right to a healthy environment, ecologically sustainable and adequate for their development.</i></p> <p><i>The State has the duty to provide in environmental policy, permanent programmes aimed at promoting the participation of children and adolescents in the protection, conservation and enjoyment of natural resources and reduce the risks resulting from environmental hazards.</i></p> <p><i>Likewise, and with the cooperation of society and families, it should implement educational programmes linked to the adequate management of solid waste, the recycling of garbage and the monitoring of the quality of the clean water supplied to its community.</i></p> <p><i>Derecho a un medio ambiente sano</i></p> <p><i>Las niñas, niños y adolescentes tienen derecho a gozar de un medio ambiente sano, ecológicamente sustentable y adecuado para su desarrollo.</i></p> <p><i>El Estado tiene el deber de prever en la política medioambiental, programas permanentes dirigidos a promover la participación de la niña, niño y adolescente en la protección, conservación y disfrute de los recursos naturales y reducir los riesgos resultantes de los peligros ambientales.</i></p> <p><i>Asimismo, y con la cooperación de la sociedad y las familias, deberá implementar programas educativos vinculados con el manejo adecuado de los residuos sólidos, el reciclaje de basuras y el monitoreo de la calidad del agua potable suministrada a</i></p>



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	<i>su comunidad.</i>
A/HRC/43/53/Annex VIII – Western Europe and Others	Nothing specifically referencing children or youth
<p>A/HRC/43/54 – Advance Edited Version</p> <p>(2020)</p> <p>Summary of report of meeting on the right to a healthy environment</p>	<p>III. Barriers to the implementation, protection and fulfillment of the right to a healthy environment in the national and regional contexts</p> <p>16. Among some communities, there continues to be a lack of understanding about the complex interlinkages between human rights and the environment. There is a pressing need to continue to raise awareness about these connections. For example, one participant explained the difficulties she had experienced when she had organized a meeting on eliminating lead from paint. It was not easy for people at the meeting to understand how the use of lead in paint (which causes increased risks of lead exposure for children, who are acutely vulnerable to the potentially devastating impacts of lead on neurological development) is related to potential violations of human rights. The difficult legal language used in human rights combined with the technical terminology of science can be highly challenging for people with limited education, or without backgrounds in either of these subjects. It is essential to provide ecological education to children and youth of all ages, from preschool through to college and university. People from all walks of life in all regions also require greater knowledge and understanding of their fundamental human rights and the tools available to defend those rights.</p> <p>V. Opportunities, needs and common themes</p> <p>58. There is a need to promote the voices of children and youth in environmental matters, as they are particularly vulnerable and their rights are being violated and threatened. It is encouraging, and even inspiring, to witness the incredible blossoming of youth climate activism (such as Fridays for Future and the Youth Climate Summit). Recently, a group of 16 children from around the world filed a petition with the Committee on the Rights of the Child, arguing that climate change is violating a number of their rights.^[1] The right to a healthy and sustainable environment is of paramount importance to children and youth because they will be living when many of the impacts of climate change, biodiversity loss, water shortages and other environmental challenges are expected to be worse than they are today.</p>
	<p>^[1] “16 children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Right of the Child: child petitioners protest lack of government action on climate crisis”, 23 September 2019. Available at www.unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations.</p>



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<p>A/74/161 (2019) Safe climate</p>	<p>I. The global climate emergency</p> <p>1. We are in the midst of an unprecedented environmental crisis. Human activities are causing pollution, extinction and climate change. Air pollution causes millions of premature deaths annually, including hundreds of thousands of children aged five and under. Wildlife populations are in free fall and one million species are at risk of extinction. The most pressing environmental risk is climate change, which not only exacerbates air pollution and biodiversity loss, but multiplies a broad range of risks, detailed below, leading to negative impacts on billions of people. A growing number of States, including Canada, France and the United Kingdom of Great Britain and Northern Ireland, have declared a global climate emergency.</p> <p>E. Rights of the child</p> <p>40. The Convention on the Rights of the Child, in describing the right to health, explicitly requires that States act in the best interests of the child and consider “the dangers and risks of environmental pollution”. Children and young people around the world are increasingly outspoken about the impacts of climate change on their rights and their future and the need for urgent action. In response to the call for inputs for the present report, one indigenous youth leader observed that “Earth is a giving planet ... Everything we ever needed to live, to survive, to enjoy the wonders of the world was provided by nature, yet we humans have become the most dangerous threat to life on Earth.”</p> <p>41. Children are particularly vulnerable to health problems exacerbated by climate change, including vector-borne diseases, malnutrition, acute respiratory infections, diarrhoea and other water-borne illnesses. 44 Extreme weather events pose unique threats to the health and well-being of young bodies and minds. Globally, over 500 million children live in extremely high - risk flood zones; 160 million live in high or extremely high drought severity zones; and 115 million are at high risk from tropical cyclones. By 2040, almost 600 million children will live in regions with extremely limited water resources. The United Nations Children ’s Fund warns that “climate change will harm the poorest and most vulnerable children first, hardest and longest”.45</p> <p>42. The Committee on the Rights of the Child has implored States to address climate change, “as this is one of the biggest threats to children ’s health and exacerbates health disparities”. 46 In its reporting procedure, the Committee has increasingly referred to climate change, urging States to consider the best interests of the child as a matter of primary consideration when designing, implementing and monitoring laws and policies related to climate change, taking into account the explicit reference to children’s rights and intergenerational equity in the Paris Agreement.</p>



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G. Vulnerable populations

46. The worst impacts afflict those who have contributed least to the problem and who have the fewest resources to adapt to, or cope with, the impacts. For example, during droughts, women and children in low-income countries are often disproportionately affected because of their responsibilities for collecting water and firewood. On the other hand, male farmers face elevated risks of suicide during droughts. Understanding gender differences in vulnerability, roles and capacity is essential for designing fair and effective climate actions.

III. Human rights obligations relating to climate change

54. The Paris Agreement represents a breakthrough, in that it explicitly links human rights and climate change. In the Agreement, the parties acknowledged that they “should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.” The Paris Agreement refined the concept of a safe climate as “well below” a 2°C increase in the average global temperature, and ideally limited to a 1.5°C increase.

57. Beginning in 2008, the Human Rights Council adopted a series of resolutions expressing concern that climate change poses an immediate and far-reaching threat to people and communities around the world, and that the effects will be felt most acutely by those who already live in vulnerable situations. The resolutions resulted in a series of reports on climate change and human rights prepared by the Office of the United Nations High Commissioner for Human Rights, addressing general linkages, health, children’s rights,⁶⁵ migration⁶⁶ and gender.

A. State obligations

64. Pursuant to international human rights law, States have procedural obligations to:

...

(b) Ensure an inclusive, equitable and gender-based approach to public participation in all climate-related actions, with a particular emphasis on empowering the most affected populations, namely women, children, young people, indigenous peoples and local communities, persons living in poverty, persons with disabilities, older persons, migrants, displaced people, and other



	<p>potentially at -risk communities;</p>
<p>A/74/161 Annex</p> <p>Good Practices</p>	<p>II. The Environmental rule of law</p> <p>15. Children and youth whose voices are often ignored in political debates are increasingly turning to the judicial system to protect their rights against climate impacts. In the United States, a group of youth plaintiffs asserted that a stable climate system is a prerequisite for enjoying many rights, including the right to life. The government’s motion to dismiss the case was rejected by a Federal District Court judge who wrote “I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society.” The case is ongoing. Children and youth have filed similar lawsuits in all fifty US states.</p> <p>16. In Colombia in 2018, the Supreme Court ruled in favor of 25 young people who had filed a lawsuit to protect their constitutional rights to life, food, water, and a healthy environment from deforestation and climate change. The court upheld the children’s rights and ordered the Colombian government to work with the youth to develop an effective plan to halt deforestation in the Amazon.</p> <p>III. Mitigation</p> <p>D. Energy efficient buildings</p> <p>46. Many countries, led by India and Indonesia and also including Ecuador, Guatemala, Honduras, and Uganda, are making major efforts to reduce polluting cookstoves with clean cookstoves, which not only results in cleaner air and improved health (especially for women and children), but also reduces greenhouse gas emissions.</p> <p>VI. Systemic and transformative change</p> <p>65. Children and youth around the world are expressing grave concern about the impacts of climate change upon their future. The minimum voting age should be lowered to 16 years to enable youth to participate in and influence the political system, which is to integral to shaping the world they will inherit. The voting age has already been lowered to 16 in a number of nations including Argentina, Austria, Ecuador, Estonia, and Scotland.</p>



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<p>A/HRC/40/55 (2019) Clean air and the right to a healthy and sustainable environment</p>	<p>2. In its resolution 28/11, the Council extended the mandate of the mandate holder as Special Rapporteur. Mr. Knox produced thematic reports addressing human rights obligations related to climate change (A/HRC/31/52), biodiversity (A/HRC/34/49) and children’s rights and the environment (A/HRC/37/58). In 2018, he presented to the Council framework principles on human rights and the environment (A/HRC/37/59, annex), the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.</p> <p>II. Adverse impacts of poor air quality</p> <p>A. Impacts on human health</p> <p>23. Exposure to air pollution causes a wide range of health effects including respiratory illness and infections, heart disease, stroke, lung cancer and negative birth outcomes (e.g. pre-term birth and low birth weight). A growing body of evidence links air pollution to other health problems including cataracts, ear infections, the onset of asthma in children, chronic deficits in lung function, stunting, diabetes, childhood obesity, developmental delays, reduced intelligence and neurological disorders affecting both children and adults.</p> <p>25. More than 90 per cent of the world’s population lives in regions that exceed WHO guidelines for healthy ambient air quality, specifically with respect to fine particulate matter, or PM2.5. In other words, over 6 billion people – including 2 billion children – are breathing air that has adverse consequences for their health and well-being.</p> <p>26. Together, ambient and household air pollution contribute to 7 million premature deaths annually, including the deaths of approximately 600,000 children. This staggering death toll includes more than 2 million people in South and South-East Asia, more than 2 million people in the Western Pacific region (including China), almost 1 million people in Africa, more than half a million in Europe, almost half a million in the Eastern Mediterranean and more than 300,000 in the Americas. Emerging evidence about air pollution and health indicates these may be underestimates. Dependence on solid fuels, kerosene and polluting cookstoves causes more premature deaths than HIV/AIDS, malaria and tuberculosis combined.</p> <p>B. Impacts on vulnerable populations</p> <p>31. Air pollution affects everyone, causing widespread violations of the right to breathe clean air. Yet the burden of related disease has a disproportionate impact on certain vulnerable populations. Among the most severely harmed are women, children, the elderly, minorities, indigenous peoples and members of traditional communities, people living in poverty, people with pre-existing health conditions such as respiratory conditions or heart disease and people who fall into several of these categories.</p>
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33. Children are uniquely vulnerable to the adverse impacts of poor air quality due to physiological, behavioural and environmental factors.¹⁴ Their developing brains and bodies are exquisitely sensitive to toxic substances and they have longer life expectancy, so that childhood exposure can have lifelong health consequences. Air pollution is the leading risk factor for acute lower respiratory tract infections (e.g. pneumonia) in children under 5.

III. Effects of air pollution on the enjoyment of human rights

47. Special procedures of the Human Rights Council have urged States to tackle the scourge of air pollution. In a report on children's rights and the environment (A/HRC/37/58), the mandate holder emphasized the need to reduce the catastrophic health impacts of air pollution. In 2016, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes decried the "silent pandemic" of disease associated with childhood exposure to toxic substances, including air pollution (A/HRC/33/41). In 2018, the Independent Expert on the enjoyment of all human rights by older persons called upon States to reduce air pollution because it "disproportionately affects the health of older persons" (A/HRC/39/50). Special rapporteurs have also produced country reports highlighting the importance of tackling air pollution (A/HRC/30/40/Add.1 and Corr.1, A/HRC/37/58/Add.2).

A. Right to life

52. As noted earlier, air pollution causes 7 million premature deaths annually, including the deaths of more than 600,000 children. These staggering and almost incomprehensible statistics represent an egregious violation of the right to life.

C. Rights of the child

55. The Convention on the Rights of the Child, in describing the right to health, explicitly requires that States act in the best interests of the child and consider "the dangers and risks of environmental pollution" (art. 24 (2) (c)). This led WHO to conclude that "children have a basic human right to breathe clean air in their homes, schools, and communities".

56. The Committee on the Rights of the Child concluded that "States should take measures to address the dangers and risks that local environmental pollution poses to children's health in all settings".²⁸ In several concluding observations, the Committee has urged States to scale up and expedite actions to protect children from polluted air.²

IV. Human rights obligations relating to clean air

62. At each of these stages, States must ensure that the public is fully informed and has an opportunity to participate in decision-



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	<p>making processes. Extra effort should always be made to reach out to women, children and others in vulnerable situations whose voices are too often not heard in environmental policy processes. States must pay special attention to environmental defenders working to protect the right to clean air.</p> <p>D. Establishing air quality legislation, regulations and standards</p> <p>71. Air quality standards should protect the most vulnerable members of society, in part by applying the precautionary principle and using adequate margins of safety. National standards must take into consideration the best interests of children. The complete absence or weakness of national air quality standards in many States indicates a widespread failure to fulfil this fundamental human rights obligation, with devastating impacts upon the health of children around the world.</p> <p>Business obligations related to air quality</p> <p>79. Businesses are obliged to respect human rights in all aspects of their operations, yet are a major source of air pollution. In terms of their potential impacts on air quality, businesses should comply with the Guiding Principles on Business and Human Rights as well as the Children’s Rights and Business Principles.</p> <p>V. Good practices</p> <p>B. Cleaner air: progress in reducing ambient air pollution</p> <p>92. There is compelling evidence that enacting and enforcing strong air quality regulations saves lives and prevents illnesses. Since the Clean Air Act was enacted in 1970, the economy of the United States of America has grown by 262 per cent (measured by increased gross domestic product) while achieving average reductions of 73 per cent for six main air pollutants. Full implementation of the Clean Air Act will prevent 230,000 premature deaths per year by 2020. Its costs are measured in billions of dollars, while the benefits are in the trillions. Reduced air pollution in California resulted in significant improvements in children’s lung function.⁵²</p>
<p>Press release for A/HRC/40/55 (Clean air)</p>	<p>Air pollution: The silent killer that claims 7 million lives each year</p> <ul style="list-style-type: none"> ● <i>90 percent of world’s population at risk from air pollution</i> ● <i>600,000 children die prematurely every year from polluted air</i>



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	<ul style="list-style-type: none"> • <i>UN expert says States have legal obligation to ensure healthy environment</i> <p>GENEVA (4 March 2019) – More than 6 billion people, one-third of them children, are regularly inhaling air so polluted that it puts their life, health and well-being at risk, a UN expert on human rights and the environment said today.</p> <p>David Boyd said that air pollution, both outside and inside homes, is a silent, sometimes invisible, prolific killer that is responsible for the premature death of 7 million people each year, including 600,000 children.</p> <p>“Yet, this pandemic receives inadequate attention as these deaths are not as dramatic as those caused by other disasters or epidemics,” the Special Rapporteur told the Human Rights Council in Geneva. “Every hour, 800 people are dying, many after years of suffering, from cancer, respiratory illnesses or heart disease directly caused by breathing polluted air.”</p> <p>Boyd said that failing to ensure clean air constituted a violation of their fundamental right to a healthy environment, a right that is legally recognised by 155 States and should be globally recognised.</p> <p>“People cannot avoid inhaling whatever contaminants are present in the air inside their homes or in their communities,” the expert said.</p> <p>“Air pollutants are everywhere, largely caused by burning fossil fuels for electricity, transportation, and heating, as well as from industrial activities, poor waste management and agricultural practices.”</p> <p>Women and children, who in many less wealthy countries spend a lot of time at home, are disproportionately affected by indoor air pollution caused by cooking, heating or lighting with solid fuels and kerosene.</p>
<p>A/73/188 (2018)</p> <p>Global recognition of the right to a safe, clean, healthy and sustainable environment</p>	<p>5. In March 2015, in its resolution 28/11, the Human Rights Council decided to extend the mandate for another three years, changed the title of the mandate holder to Special Rapporteur and encouraged him to continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and to identify and promote good practices relating to those obligations. He submitted reports on specific aspects of that relationship, including climate change and human rights, in 2016 (A/HRC/31/52), biodiversity and human rights, in 2017 (A/HRC/34/49), and children’s rights and the environment, in 2018 (A/HRC/37/58).</p> <p>II. “Greening” human rights</p> <p>16. This discretion is not unlimited. One constraint is that decisions as to the establishment and implementation of appropriate levels of environmental protection must always comply with obligations of non-discrimination. Another constraint is the strong presumption against retrogressive measures in relation to the progressive realization of economic, social and cultural rights.⁴</p>



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Other factors that should be taken into account in assessing whether environmental standards otherwise respect, protect and fulfill human rights include the following:

...

(d) The standards must comply with all relevant human rights obligations. For example, in all actions concerning children, the best interests of the child must be a primary consideration;

22. Finally, human rights law requires States to take special care to respect, protect and fulfill the rights of those who are most at risk from environmental harm. As the Human Rights Council has recognized, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations (see Human Rights Council resolution 34/20). Persons may be vulnerable because they are unusually susceptible to certain types of environmental harm or because they are denied their human rights, or both. Those who are at greater risk from environmental harm for either or both reasons often include women, children, persons living in poverty, members of indigenous peoples and traditional communities, older persons, persons with disabilities, national, ethnic, religious or linguistic minorities and displaced persons. Many persons are vulnerable and subject to discrimination along more than one dimension, such as children living in poverty or indigenous women.

24. Many other segments of the population can also be at risk from environmental harm. Examples of potential vulnerability include the following:

...

(b) Children have little or no control over the environmental threats that they face, lack the knowledge and ability to protect themselves, and are developing physically. As a result, they are more susceptible to many types of environmental harm. Of the approximately 6 million deaths of children under the age of 5 in 2015, more than 1.5 million could have been prevented through the reduction of environmental risks. Moreover, exposure to pollution and other environmental harms in childhood can have lifelong consequences, including diminished mental capacity and an increased likelihood of cancer and other diseases (see A/HRC/37/58);

...

These vulnerabilities often overlap, such as in the case of women and children from minority groups who live in poverty, compounding the risks of environmental harm and the concomitant violation of their human rights.



	<p>IV. United Nations recognition of the human right to a safe, clean, healthy and sustainable environment</p> <p>45. Of particular importance are the positive effects of the recognition of the right to a healthy environment on vulnerable populations, including women, children, persons living in poverty, members of indigenous peoples and traditional communities, older persons, persons with disabilities, minorities and displaced persons. Respecting and fulfilling the right to a healthy environment should ensure a minimum level of environmental quality for all members of society, consistent with international standards, with a particular emphasis on those populations that currently shoulder a disproportionate share of the burden of pollution and other environmental harms or that do not enjoy adequate access to essential environmental goods and services, such as safe water and adequate sanitation. A leading example is the progress made in respecting the right to a healthy environment of impoverished communities in the heavily polluted Matanza-Riachuelo watershed in Argentina following a powerful decision of the Supreme Court of Argentina in 2008. After confirming that the citizens’ constitutional right to a healthy environment had been violated by extensive industrial pollution, the court ordered all levels of government and relevant businesses to undertake comprehensive remedial action, including pollution abatement, environmental remediation and clean-up, and infrastructure improvements. A decade after the court’s decision, there have been substantial improvements in environmental quality (air, water and soil), and new drinking water and wastewater treatment infrastructure has been constructed. While the environmental problems facing the residents of this long-standing pollution hotspot are not completely solved, the extent of progress is impressive. It is worth noting that, in nations facing severe challenges with the rule of law or extreme poverty, the right to a healthy environment, like many human rights, is less likely to make a significant tangible impact on people’s lives.</p>
<p>A/HRC/37/58 (2018) Children’s rights and the environment (Child-friendly version)</p>	<p>The table of contents and introduction are reproduced here, but every provision is relevant.</p> <p>Contents</p> <ul style="list-style-type: none"> I. Introduction..... 3 II. International attention to the relationship between children’s rights and the environment 3 III. The effects of environmental harm on the rights of children 5 <ul style="list-style-type: none"> A. The effects of environmental harm on children 5 B. Environmental harm and the rights of children 9 IV. Human rights obligations relating to the protection of children from environmental harm 10 <ul style="list-style-type: none"> A. Educational and procedural obligations..... 11 B. Substantive obligations to protect children from environmental harm 14 C. Obligations of non-discrimination 16 V. Future generations..... 17



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	<p>VI. Conclusions and recommendations..... 18</p> <p>I. Introduction</p> <p>1. After reviewing the activities of the Special Rapporteur in 2017, the present report focuses on the rights of children in relation to the environment, addressing the ways that environmental harm prevents children from enjoying their human rights and the obligations that States have to protect children from such harm.</p> <p>5. In preparation for the present report, the Special Rapporteur participated in the day of general discussion of the Committee on the Rights of the Child on children’s rights and the environment, on 23 September 2016. He held an expert meeting and a public consultation on 22–23 June 2017, and sent a questionnaire to States and other interested stakeholders, which elicited over 40 responses. He also examined statements and reports of human rights mechanisms and international organizations, as well as other sources.</p> <p>6. Section II of the present report reviews the increasing attention being paid to the relationship of the rights of children to environmental harm. Section III describes the severe effects of environmental harm on the rights of children. Section IV outlines the human rights obligations relating to children’s rights in the environmental context. Section V addresses the relationship of future generations and children’s rights. Section VI concludes with recommendations aimed at protecting the rights of children from environmental harm.</p>
<p>A/HRC/37/59</p> <p>Framework Principles</p>	<p>Framework principle 6</p> <p>States should provide for education and public awareness on environmental matters.</p> <p><i>Commentary</i></p> <p>15. States have agreed that the education of the child shall be directed to, among other things, the development of respect for human rights and the natural environment. Environmental education should begin early and continue throughout the educational process. It should increase students’ understanding of the close relationship between humans and nature, help them to appreciate and enjoy the natural world and strengthen their capacity to respond to environmental challenges.</p> <p>16. Increasing the public awareness of environmental matters should continue into adulthood. To ensure that adults as well as children understand environmental effects on their health and well-being, States should make the public aware of the specific environmental risks that affect them and how they may protect themselves from those risks.</p>



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	<p>Framework principle 14</p> <p>States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.</p> <p><i>Commentary</i></p> <p>...</p> <p>41. Those who are at greater risk from environmental harm for either or both reasons often include women, children, persons living in poverty, members of indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons. The many examples of potential vulnerability include the following:</p> <p>...</p> <p>(b) Children are vulnerable for many reasons, including that they are developing physically and that they are less resistant to many types of environmental harm. Of the approximately 6 million deaths of children under the age of 5 in 2015, more than 1.5 million could have been prevented through the reduction of environmental risks. Moreover, exposure to pollution and other environmental harms in childhood can have lifelong consequences, including by increasing the likelihood of cancer and other diseases (see A/HRC/37/58);</p> <p>...</p> <p>45. States should ensure that their legal and institutional frameworks for environmental protection effectively protect those who are in vulnerable situations. They must comply with their obligations of non-discrimination (framework principle 3), as well as any other obligations relevant to specific groups. For example, any environmental policies or measures that may affect children’s rights must ensure that the best interests of children are a primary consideration.</p>
<p>A/HRC/34/49 (2017) Biodiversity</p>	<p>57. Human rights bodies continue to clarify the duties owed to non-indigenous as well as indigenous people whose way of life depends directly on ecosystems. While much more work remains to be done to define these obligations and the obligations owed to others in vulnerable situations (who may include women, children, the elderly, the disabled and the extremely poor) in relation to environmental harm in general and the loss of ecosystem services in particular, the obligations are already clear enough that States and others should take them into account.</p>



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<p>A/HRC/31/52 (2016) Climate change</p>	<p>II. Increasing attention to the relationship between climate change and human rights</p> <p>...</p> <p>18. In connection with the Paris conference, other international organizations published reports on climate change and human rights. For example, the United Nations Environment Programme (UNEP) published a thorough examination of the application of human rights norms to climate change, and the United Nations Children’s Fund (UNICEF) issued a detailed study of the effects of climate change on children.⁹</p> <p>...</p> <p>III. Effects of climate change on the enjoyment of human rights</p> <p>...</p> <p>24. As average global temperatures rise, deaths, injuries and displacement of persons from climate-related disasters such as tropical cyclones increase, as do mortality and illness from heat waves, drought, disease and malnutrition. In general, the greater the increase in average temperature, the greater the effects on the rights to life and health as well as other human rights. The foreseeable consequences of even a 2°C rise in average global temperature are dramatic. According to the Intergovernmental Panel on Climate Change, they include an increasing probability of “declining work productivity, morbidity (e.g., dehydration, heat stroke, and heat exhaustion), and mortality from exposure to heat waves. Particularly at risk are agricultural and construction workers as well as children, homeless people, the elderly, and women who have to walk long hours to collect water”.</p> <p>...</p> <p>32. In what has become a tragic annual event, a deadly typhoon struck the Philippines. Record floods inundated Chennai in India, as well as towns across the United Kingdom of Great Britain and Northern Ireland and along the Mississippi River in the United States of America. Parts of Argentina, Brazil, Paraguay and Uruguay experienced their worst flooding in 50 years, forcing the evacuation of tens of thousands of people. Other areas suffered from too little water. UNICEF warned that 11 million children in eastern and southern Africa were at risk of hunger, disease and lack of water because of drought conditions. Lake Poopó, the second-largest lake in the Plurinational State of Bolivia, was reported to have dried up as a result of changing weather patterns. As 2016 began, scientists reported that 2015 was the hottest year in modern history, about 1°C warmer than the preindustrial average.</p> <p>2. Facilitating public participation</p>
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...

57. There can be no doubt that this duty encompasses decision-making in relation to climate policy. States have long emphasized the importance of public participation in addressing climate change. Article 6 (a) of the United Nations Framework Convention on Climate Change requires its parties to promote and facilitate public participation, and the General Assembly has recognized “the need to engage a broad range of stakeholders at the global, regional, national and local levels, including national, subnational and local governments, private businesses and civil society, and including youth and persons with disabilities, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change”. Similarly, article 12 of the Paris Agreement requires its parties to cooperate in taking appropriate measures to enhance public participation.

D. Obligations in relation to vulnerable groups

81. States have an overarching obligation not to discriminate in the application of their environmental laws and policies. In addition, States have heightened duties with respect to members of certain groups that may be particularly vulnerable to environmental harm, including women, children and indigenous peoples (see A/HRC/25/53, paras. 69-78). As the Human Rights Council has stated, the effects of climate change are felt most acutely by those who are already in vulnerable situations. Usually, the most vulnerable have also done the least to contribute to the problem. In this regard, climate change is inherently discriminatory.

82. States acting individually and in cooperation should take steps to protect the most vulnerable from climate change.⁴⁰ Procedurally, States should continue to assess the effects of climate change, and of actions taken to mitigate and to adapt to it, on vulnerable communities. They should ensure that those who are in vulnerable situations and who are marginalized are fully informed of the effects of climate actions, that they are able to take part in decision-making processes, that their concerns are taken into account and that they have access to remedies for violations of their rights. Substantively, States should seek to protect the most vulnerable in developing and implementing all climate-related actions. Even if mitigation targets are met, vulnerable communities may still suffer harm as a result of climate change. Indeed, many are already experiencing adverse effects.

FN41 See, e.g., the Committee on the Rights of the Child’s general comment No. 15 (2013), para. 50 (because climate change “is one of the biggest threats to children’s health”, States should “put children’s health concerns at the centre of their climate change adaptation and mitigation strategies”).

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	<p>84. The Paris Agreement recognizes the importance of respecting the rights of the most vulnerable. Its preamble specifically refers to the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, as well as gender equality, in calling on the parties to respect, promote and consider their respective obligations on human rights when taking action to address climate change. Article 7 of the Agreement emphasizes that, in addition to being country-driven, participatory and fully transparent, adaptation action should be gender-responsive and take into consideration vulnerable groups, communities and ecosystems. To ensure that States satisfy their human rights obligations, they must implement the commitments they have made in relation to the protection of the most vulnerable.</p>
<p>A/HRC/31/53 (2016) Implementation report</p>	<p><i>United Nations Children’s Fund</i></p> <p>31. The approach of the United Nations Children’s Fund (UNICEF) to environmental sustainability emphasizes the explicit recognition of children’s rights in the environmental context, given their vulnerabilities to climate and environmental impacts and their specific needs. UNICEF has developed many tools, including reports, technical briefings, and handbooks, to provide technical assistance to partners that are relevant to implementing children’s rights in relation to the environment. These tools cover a wide range of issues from water and sanitation to climate change education, sustainable energy and disaster risk reduction.</p> <p>32. At the country level, UNICEF has worked with Governments to incorporate a child rights approach within national legislation. For example, the UNICEF office in Viet Nam worked closely with the Government on its 2014 environmental law, which includes a chapter on green growth and climate change, as well as principles related to the role of civil society, gender equality and respect for the best interest of children. With UNICEF support, the Ministry of Education also approved a curriculum for formal education that includes competencies on environmental education and climate change, promoting children as critical agents of change. In Zimbabwe, UNICEF supported the development of the Government’s National Climate Change Response Strategy, which provides a framework for climate change adaptation and mitigation.</p> <p><i>Human rights treaty bodies</i></p> <p>34. Human rights treaty monitoring bodies have contributed significantly to clarifying State obligations in connection to human rights relating to the environment. The Special Rapporteur has developed five reports on the work of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Each of the reports looks at the relevant interpretations of their respective treaties by the committees in their country reports, views on communications and general comments.⁷</p>



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	<p>...</p> <p>36. The Special Rapporteur will participate in a day of general discussion that the Committee on the Rights of the Child plans to hold in September 2016, with a specific focus on the human rights of the child to enjoy a healthy environment. The Committee on Economic, Social and Cultural Rights is also considering the preparation of a general comment that would address environmental issues.</p> <p>III. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment</p> <p>...</p> <p>75. The Special Rapporteur received many other suggestions concerning areas that need further clarification and analysis, including with respect to the protection of ecosystems, transboundary environmental harm, chemical and waste management, air pollution control, the human rights dimensions of hydraulic fracturing (fracking), the right to a remedy in cases involving environmental destruction, children’s rights in relation to the environment and the situation of environmental migrants.</p>
<p>A/HRC/28/61 (2015) Good practices report</p>	<p>89. Also in 2013, Guatemala adopted a climate change framework law that has several important elements relating to human rights, including provisions that the Government facilitate broad public participation in designing and carrying out climate change actions. Similarly, the Jordanian Ministry of the Environment published a national climate change policy in 2013 that integrates a human rights approach to climate change mitigation and adaptation. The policy lists as a short-term objective that the “interests of vulnerable groups, with emphasis on the poor, youth and gender are adequately addressed in mitigation and adaptation policies and strategies.” The policy also provides for a campaign to increase public awareness and facilitate public consultation.</p> <p>I. Obligations relating to members of groups in vulnerable situations</p> <p>93. The human rights obligations relating to the environment include a general obligation of non-discrimination in the application of environmental law and policy. As described by the Independent Expert in his mapping report, States have additional obligations with respect to those who may be particularly vulnerable to environmental harm, including women, children, minorities and those living in poverty, as well as indigenous peoples (A/HRC/25/53, paras. 69-78).</p> <p>95. The rights of children are often overlooked in setting environmental policies. The United Nations Children’s Fund (UNICEF) is partnering with countries to try to reduce the effects of climate change and environmental degradation on</p>



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	<p>children’s rights, and to “identify and enhance opportunities to advance the rights of children which arise from global and local attention on climate change and environmental degradation.” In Burundi, for example, UNICEF is implementing Project Lumière, which enables community groups to purchase bicycle pedal-powered generators and LED lights that can provide light for a household for up to 10 days. Access to energy protects child health and safety by reducing harmful emissions from the burning of kerosene and firewood in homes, and by providing light at night for children to study.</p>
<p>A/HRC/25/53 (2014) Mapping report</p>	<p>III. Human rights threatened by environmental harm</p> <p>...</p> <p>24. The rights of children, too, may be particularly affected by environmental degradation. The Convention on the Rights of the Child states that environmental pollution poses “dangers and risks” to nutritious foods and clean drinking water (art. 24, para. 2(c)). In its concluding observations on country reports, the Committee on the Rights of the Child regularly addresses environmental hazards as barriers to the realization of the right to health and other rights.²⁰ The Special Rapporteur on hazardous substances and wastes has emphasized the harm to children’s rights to health caused by exposure to mercury and other hazardous substances in extractive industries (A/HRC/21/48, paras. 28–30).</p> <p>C. Obligations relating to members of groups in vulnerable situations</p> <p>69. The human rights obligations relating to the environment include a general obligation of non-discrimination in their application. In particular, the right to equal protection under the law, which is protected by the Universal Declaration of Human Rights (art. 7) and many human rights agreements, includes equal protection under environmental law.⁶⁷ States have additional obligations with respect to groups particularly vulnerable to environmental harm. The following sections describe obligations specific to three groups in particular: women, children and indigenous peoples.⁶⁸</p> <p>2. Children</p> <p>73. The Convention on the Rights of the Child provides that in all actions concerning children, including those taken by administrative authorities and legislative bodies, “the best interests of the child shall be a primary consideration” (art. 3, para. 1). In its general comment No. 14 (2013), the Committee on the Rights of the Child has made it clear that this provision applies to actions, such as environmental regulation, that affect children as well as other population groups, and it has stated that where decisions “will have a major impact” on children, “a greater level of protection and detailed procedures to consider their best interests is appropriate” (paras. 19, 20).</p> <p>74. More specifically, article 24.2(c) of the Convention provides that States Parties shall pursue full implementation of the right</p>



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	<p>of the child to the enjoyment of the highest attainable standard of health and, in particular, shall take appropriate measures “to combat disease and malnutrition... through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution.” In its general comment No. 15 (2013), the Committee stated that under article 24.2(c), “States should take measures to address the dangers and risks that local environmental pollution poses to children’s health,” 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,” and should “put children’s health concerns at the centre of their climate change adaptation and mitigation strategies” (paras. 49, 50). The Committee has emphasized elsewhere as well the importance of regulation of business in order to protect children’s rights, including from the effects of environmental harm (e.g. general comment No. 16 (2013), para. 31).</p> <p>75. In its general comment No. 9 (2006) on the rights of children with disabilities, the Committee stated that “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” (para. 54). The Committee has also urged States to collect and submit information on the possible effects of environmental pollution on children’s health, and to address particular environmental problems, in its concluding observations on country reports.⁷¹ Finally, the Convention states that the States Parties agree that the education of the child shall be directed, inter alia, to “the development of respect for the natural environment” (art. 29, para. 1(e)).</p> <p>81. In addition to a general requirement of non-discrimination in the application of environmental laws, States may have additional obligations to members of groups particularly vulnerable to environmental harm. Such obligations have been developed in some detail with respect to women, children and indigenous peoples, but work remains to be done to clarify the obligations pertaining to other groups.</p>
<p>A/HRC/22/43 (2013) Preliminary report</p>	<p>II. The evolution of environmental rights</p> <p>...</p> <p>B. Human rights vulnerable to environmental harm</p> <p>23. Some global human rights treaties explicitly refer to environmental threats to human rights, particularly the right to health. The Convention on the Rights of the Child states that environmental pollution poses “dangers and risks” to nutritious foods and clean drinking water, which Parties are required to take appropriate measures to provide in the course of pursuing full implementation of the right of the child to the highest attainable standard of health (art. 24, para. 2 (c)). Similarly, article 12, paragraph 2 (b) of the International Covenant on Economic, Social and Cultural Rights provides that the steps Parties must take to achieve the full realization of the right to health “shall include those necessary for ... the improvement of all aspects of environmental and industrial hygiene”. The Committee on Economic, Social and Cultural Rights has interpreted this phrase to</p>



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comprise, inter alia, “the requirement to ensure an adequate supply of safe and potable water and basic sanitation; [and] the prevention and reduction of the population’s exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health”.

...

C. Human rights vital to environmental policymaking

...

32. Similarly, although the Rio Declaration does not refer to principles of nondiscrimination in the exercise of procedural rights, it does emphasize the role of certain vulnerable groups, including women, youth, indigenous people and people under oppression, in environmental policymaking (principles 20–23). The Aarhus Convention includes a clear requirement of non-discrimination, stating that within the scope of the Convention, “the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile” (art. 3, para. 9). Again, there are strong similarities to requirements of non-discrimination in human rights law. The final outcome of the 2012 United Nations Conference on Sustainable Development (A/CONF.216/16, para. 1, resolution I “The future we want”) connects non-discrimination more explicitly to human rights norms in its treatment of gender equality, citing the Convention on the Elimination of All Forms of Discrimination against Women and stating the resolve of the State participants to “unlock the potential of women as drivers of sustainable development”, including by repealing discriminatory laws and ensuring equal access to justice and legal support (ibid., paras. 236 and 238).

III. Framing the issues

...

C. Vulnerable groups and non-discrimination

44. As the Council has recognized in its resolution 16/11, “environmental damage is felt most acutely by those segments of the population already in vulnerable situations”. Resolution 19/10 instructs the Independent Expert to apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities, and it is clear that women and children are among the groups vulnerable to environmental harm. The special procedures and OHCHR have identified other groups as well. For example, the then Independent Expert on the question of human rights and extreme poverty pointed out in a report to the General Assembly (A/65/259) that “environmental degradation disproportionately affects those living in extreme poverty” (para. 37). The then representative of the Secretary-General on the



	<p>human rights of internally displaced persons highlighted in a report (A/HRC/10/13) “normative gaps in the current legal framework for protection of those displaced by the effects of global warming” (para. 22). And the OHCHR report on climate change (A/HRC/10/61) emphasized that, in addition to creating large numbers of migrants, climate change will particularly affect other vulnerable groups, including women, children and indigenous peoples (paras. 42–54).</p>
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2. Reports of other special rapporteurs:

2.1. Reports of the Special Rapporteur on the human rights to safe drinking water and sanitation:

Report	References to Children’s Rights and the Environment
<p>Special thematic report on climate change and the human rights to water and sanitation by the Special Rapporteur on the human rights to safe drinking water and sanitation (January 2022)</p> <p><i>Part 1: Outlining the impacts of climate change on the human rights to water and sanitation around the world</i></p> <p>(2022)</p>	<p>5. Subsequently, a series of HRC resolutions and reports including thematic reports by several Special Procedures mandate-holders affirmed the impact of climate change on human rights and the need for human rights mechanisms to strengthen responses to climate change, as well as highlighted the disproportionate size of this impact on certain groups, including women and girls, children, migrants, persons with disabilities, and older persons. The links between climate change and human rights, as well as State obligations to protect human rights from the impacts of climate change, have also been explored by many Special Procedures mandate-holders, and human rights treaty monitoring bodies, many of which referred to the impact of climate change on the human rights to safe drinking water and sanitation.</p> <p>23. Individuals living or working on flooded land can suffer economic consequences, exacerbating poverty and impacting their access to water and sanitation services. Recurring floods can cause communities to abandon safe sanitation and hygiene practices and return to defecating in the open. Floods can put large numbers of people into refugee camps or temporary accommodation with water and sanitation facilities that are less likely to be culturally acceptable, meet the menstrual hygiene needs of women and girls, or serve groups in vulnerable situations, such as LGBTQ persons, children, persons with disabilities and older persons.</p>



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Special thematic report on climate change and the human rights to water and sanitation by the Special Rapporteur on the human rights to safe drinking water and sanitation (January 2022)

Part 2: The impacts of climate change on the human rights to safe drinking water and sanitation of groups and populations in situations of vulnerability

(2022)

5. In 2010, the Conference of the Parties to the United Nations Framework Convention on Climate Change adopted Decision 1/CP.16, in which it was noted that the adverse effects of climate change have implications for the effective enjoyment of human rights, that the effects will be felt most acutely by those segments of the population that are already vulnerable, and that States parties should, in all climate change-related actions, fully respect human rights. In 2015, 196 State parties adopted the Paris Agreement, which explicitly states that “parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, including the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”. In article 7(5) of the Paris Agreement, the State parties specifically acknowledged that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems.

6. Several of the Human Rights Council resolutions and reports highlighted the disproportionate impact of climate change on the human rights of certain groups, including women and girls, children, migrants, persons with disabilities, and older persons. The links between climate change and human rights and States’ human rights obligations have also been explored by many Special Procedures mandate-holders and the human rights treaty monitoring mechanisms, many of which highlight the impact of climate change on the human rights to safe drinking water and sanitation. Most recently, the Human Rights Council (resolution 47/24) requested the Secretary-General to consult member States and other relevant stakeholders in order to prepare and submit to the 50th session of the Human Rights Council a report on the adverse impact of climate change on the full and effective enjoyment of human rights of people in vulnerable situations.

35. The Human Rights Council has often drawn attention to the effects of climate change on the enjoyment and exercise of the children's rights. It recognized that children are among the most vulnerable to climate change, which may have a serious impact on their enjoyment of the right to highest attainable standard of physical and mental health, right to education, right to adequate food, to adequate housing, and rights to safe drinking water and sanitation (resolution 32/33). The Human Rights Council also placed a particular emphasis on the impacts of climate change on children with disabilities, children on the move, children living in poverty, children separated from their families and indigenous children (resolution 35/20).

36. The impact of climate change on the children’s rights to water and sanitation ranges from loss of connections



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to families to adverse health effects from concentration of contaminants in drinking water. First, children are exposed to displacement due to floods and other extreme events. 330 million children are currently highly exposed to riverine flooding, and 240 million children are exposed to coastal flooding. These types of flooding are both predicted to increase as a consequence of climate change, with increased intense rainfall and glacier melt, and increased occurrence of extreme events and sea-level rise, respectively with potential for destruction of water and sanitation infrastructure. 400 million children are currently highly exposed to cyclones, a number that is also expected to rise. Massive displacement as a result of droughts, floods, and extreme events such as cyclones can also increase the vulnerability that children face. For instance, the loss of connections to families, communities and protective services can reduce their access to safely managed water and sanitation services, as well as hygiene education.

37. Second, children exposed to the impacts of water scarcity face physical and socio-economic consequences. 920 million children (over one third of children globally) are currently highly exposed to water scarcity. The rate of exposure is likely to worsen as climate increases frequency and severity of droughts, water stress, seasonal and interannual variability, contamination – and demand and competition for water increases, resulting in depletion of available water resources. Water scarcity can lead to the use of unsafe water, which in turn contributes to communicable diseases, to which children are more physically vulnerable. Water scarcity can also put pressure on families with many children – children, particularly girls, may be taken out of school to help with fetching water, and miss out on education.

38. Finally, water pollution, which is expected to increase, contributes to diarrhoeal diseases that cause more than 350,000 deaths a year of children under 5 years old, and another 80,000 deaths of children aged 5 to 14. When children get sick with diarrhoea, they are unable to absorb the nutrients they need to grow, which may lead to stunting. UNICEF stated in 2022 that approximately 149.2 million children under 5 suffer from stunting as a result of inadequate nutrition and unhealthy water and sanitation. Stunted children are not only shorter than they should be for their age; they suffer harm throughout their lives, including weaker immune systems and reduced brain development.

39. Children around the world are taking to the streets and advocating for their rights in the face of slow and insufficient climate mitigation and adaptation. The mandate of the Special Rapporteur has organized a yearly Human Rights Youth Challenge since 2018. The fourth Human Rights Youth Challenge held in 2021 focused on



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	<p>the topic of climate change and human rights showcased the impressive understanding and motivation of children surrounding climate and human rights issues. Despite this, the voices of children rarely reach the arenas in which decisions on climate mitigation and adaptation are made.</p>
<p>A/74/197 Impact of mega-projects on the human rights to water and sanitation (2019)</p>	<p>Human rights impact assessment on water and sanitation should include plans and implementation measures to avoid and redress impact on the physical accessibility of water sources or sanitation facilities and, when necessary, provide alternative services. Additionally, the impact on access to sanitation facilities due to lack of accessibility to water needs to be taken into account.</p> <p>In Colombia, for example, the construction of the El Cercardo Dam, located in the La Guajira municipality, led to temporarily drying up considerable parts of the river. As a result, the water supply of the Wayuu indigenous peoples discontinued and women and children had to travel long distances to access water from a well and to transport it by donkeys (COL 8/2016).</p>

2.2. Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Report	References to Children’s Rights and the Environment
<p>A/75/290 (2020) Implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes</p>	<p>39. Since assuming the mandate in 2014, the Special Rapporteur has focused extensively on the deeply concerning situation of childhood exposure to toxic substances and other pollutants. Children are uniquely vulnerable to adverse health impacts due to toxic and otherwise hazardous substances and wastes. The World Health Organization estimates that over 30 per cent of the global burden of disease can be attributed to environmental factors. Of that amount, 40 per cent falls on children under five years of age, translating into three million deaths annually. It is generally accepted that environmental risk factors act in concert and are exacerbated by adverse social and economic conditions, particularly poverty and malnutrition.</p> <p>40. The Special Rapporteur’s 2016 report to the Human Rights Council (A/HRC/33/41) was the first thematic report by a Special Rapporteur to highlight in detail the relevance of the Convention on the Rights of the Child to environment protection. The Special Rapporteur denounced the fact that that children continue to be born “pre-polluted” and denied their right to bodily integrity, among others, before they can walk. Studies have shown the presence of hundreds of</p>



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different toxic substances in young and unborn children. Because of widespread childhood exposure, the world is witnessing a “silent pandemic” of disease, disability and premature death.

41. The Convention on the Rights of the Child creates a duty to prevent childhood exposure and in essence enshrines the right of the child to a healthy environment. Childhood exposure to toxic chemicals implicates a number of rights under the Convention, the ratification of which creates the legal obligation to protect the rights of the child to life and to the highest attainable standard of health, and to protect children from pollution and contamination, secure their physical integrity and keep them free from unwanted intrusions in their bodies. The right of the child to bodily integrity has been emphasized by the Special Rapporteur in the present report and other aspects of his work on toxic exposures. In the light of those provisions, the Convention’s accountability mechanism and ratification by all but one State, and the obligation that the child’s best interests be a primary consideration of States in environmental and occupational laws, the Special Rapporteur believes that the Convention is the most underutilized environmental treaty to date.

42. During his country visits, the Special Rapporteur has emphasized the situation of children exposed to various hazardous substances. In the United Kingdom, the Special Rapporteur emphasized the “plague” of childhood exposure to air pollutants and other toxic exposures (see A/HRC/36/41/Add.1, para. 23). The United Kingdom House of Commons Environmental Audit Committee has acknowledged that health conditions associated with exposure to harmful chemicals include developmental disorders, endocrine disruption, breathing difficulties, reproductive disorders, cancers and neurological disorders, and that fetuses, children and pregnant women are most at risk. The Committee echoed the Special Rapporteur’s warning that, increasingly, we find that children are being born “pre-polluted.

43. The Special Rapporteur also addressed cases of children exposed to hazardous substances and wastes through communications. In discussions from 2018 to 2020 with the Secretary-General regarding the Organization’s responsibility towards victims of lead poisoning in Kosovo,²¹ the Special Rapporteur has called on the United Nations to take immediate action to provide justice and remedies for displaced minority communities who were housed in United Nations camps constructed on toxic wasteland in Kosovo.²² Around 600 members of the Roma, Ashkali and Egyptian communities were placed in the camps between 1999 and 2013 on land known to have been contaminated by lead. Approximately half were children under the age of 14. The Special Rapporteur has through this process urged the Secretary-General to revise the proposed trust fund, which has neither mobilized the necessary resources nor is capable of providing many of the victims with their expectation from the United Nations and its Member States. At present, only one State has contributed to the trust fund, only \$10,000.

44. Lead poisoning has been a persistent concern of the mandate holder, a fact that speaks to the extent of the global crisis facing children from one of the most well-established hazards to a child’s healthy development. In 2016, the Special Rapporteur and other mandate holders highlighted the exposure to lead of people living in Flint, Michigan, United States, including children, who were found to have elevated levels of lead in their blood. Childhood exposure to lead is associated



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with a wide range of impacts, including neurodevelopmental effects, mortality, impaired renal function, hypertension, impaired fertility and adverse pregnancy outcomes. This may lead to behaviour or attention problems, difficulties in school, hearing problems, kidney damage, reduced IQ, slowed body growth, muscle weakness and coma.

45. The case in Flint is not an isolated incident, and in the United States and around the world, various other cases have been brought to the attention of the mandate holder. The Special Rapporteur and others raised concerns about the improper management of lead in a lead smelter operated from 2007 to March 2014 near the Owino Uhuru community, in Kenya. Because of direct and indirect lead exposure, Owino Uhuru community members, including children, and former workers of the smelter face serious health problems and human rights violations, without having been provided with adequate remedies over the seven years prior.

46. The Special Rapporteur and others addressed alleged lead contamination and poisoning in Zamfara State, Nigeria, from artisanal gold mines. The high levels of lead found in the earth coupled with the use of rudimentary mining methods reportedly resulted in a lead poisoning epidemic among children.²⁴ In 2011, the mandate holder addressed alleged cases of acute lead poisoning, from which nearly 400 children have died since March 2010 as a result of lead poisoning, the majority of whom aged under 5 years.²⁵ Allegedly, an additional 30,000 people in seven villages in Zamfara State had been identified as being at risk of lead exposure by inhalation or ingestion.

47. The Special Rapporteur remains concerned that millions of children around the world continue to engage in the worst form of child labour, where they use or are exposed to hazardous substances. Particularly grave is the situation of child labour in mining and agriculture. The Special Rapporteur has had discussions with various stakeholders from States and businesses regarding the existence of this problem in global supply chains, as well as communications regarding child labour on tobacco farms in Zimbabwe.²⁶ It was alleged that, in the tobacco industry in Zimbabwe, children are involved in work on farms and other parts of the production process and do so in hazardous conditions, often performing tasks that threaten their health and safety or interfere with their education, including pesticide exposure.

48. An equally disturbing trend is the exposure of children to endocrine-disrupting chemicals, where instead of guaranteeing their right to food and nutrition without toxic or hazardous substances, children are “turned into adults” before they should because of hormones in food. This presents questions of legality versus immorality; although research may still be novel, and more evidence needed to provide conclusive links, some substances already known to be harmful in food continue to be used on the false premise that they are within legal limits, despite the human rights abuses and violations occasioned. While such exposure may be legal, this does not serve to eliminate the negative health and developmental effects on children. In his visit to Denmark, the Special Rapporteur commended the Government’s leadership in preventing exposure to endocrine disruptors and other chemicals of concern to the rights of the child. Denmark has applied the principles of prevention and precaution to protect children from toxic threats, often leading to improved standards of protection both in Denmark and abroad.



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<p>BHRRC_Chemical_Briefing (2018)</p> <p>Business & human rights in the chemical industry: An assessment of company responses to human rights issues</p>	<ul style="list-style-type: none"> · Human rights at stake This section explores two key human rights issues that chemical companies can impact: (1) workers' rights and (2) indigenous and communities' rights. These represent areas of risk based on the information provided to the Resource Centre. They do not cover the full scope of human rights impacts chemical companies can have. Others include the rights of women and children outside the context of child labour. · Workplace health and safety Almost two thirds of the cases documented related to human rights within the workplace, with health and safety being key concerns. Allegations included health consequences of accidents at work and health risks associated with child labour and childhood exposure to hazardous substances, among others. Human rights issues related to health and safety in the workplace are also inextricably linked to the right to information. People have a right to know whether they are or may be exposed to hazardous substances. To realize this right, information must be accessible and non-discriminatory. In many cases, workers lacked accessible information on health and safety issues, for example when that information was not made available in their language or clearly labelled pictures were not provided. · While there are positive steps – regulations at the global level, industry-wide initiatives, and individual company actions – critical gaps remain, particularly in protecting the rights of workers, children, low-income communities and other vulnerable groups.
<p>A/HRC/33/41 (2016)</p> <p>Report of the Special Rapporteur on the implications for human rights of the</p>	<p>State obligation to prevent childhood exposure:</p> <p>17. Four principles guide the interpretation and implementation of the Convention on the Rights of the Child. States must take these into consideration when designing, implementing and enforcing public health, environmental and labour laws to protect children's rights from toxics and pollution.</p> <p>18. The Convention on the Rights of the Child makes it clear that States have an obligation to prevent exposure to toxics by children, as well as by women of reproductive age.</p>



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<p>environmentally sound management and disposal of hazardous substances and wastes</p>	<p>Best interests of the child</p> <p>19. The best interests of the child — including future generations who will inherit the toxic legacy of previous generations — must be a “primary consideration” in the interpretation and implementation of the rights enshrined in the Convention on the Rights of the Child (art. 3, para. 1). States parties must integrate and apply this guiding principle and substantive right “in all actions”, including legislative, administrative and judicial proceedings that relate to toxic substances or pollution, bearing in mind children’s unique vulnerabilities to toxics, pollution, and known and unknown risks factors. States should be in a position to explain and be held accountable for how they respected the right of present and future children to have their best interests considered in decision-making, including how this right has been weighed against other considerations.</p> <p>20. States must pursue the “full implementation” of the child’s right to health, and must be guided by the right of the child to have his or her best interests taken into account as a “primary consideration” when considering “the dangers and risks of environmental pollution” to health.</p> <p>21. The best interests of the child are best served by preventing exposure to toxic chemicals and pollution, and taking precautionary measures with respect to those substances whose risks are not well understood. Unfortunately, industrial competitiveness, risk management options and cost-benefit considerations are prioritized over the best interests of the child.</p> <p>B. Right to be heard</p> <p>22. The right to be heard is a guiding principle of the Convention on the Rights of the Child, and is inextricable from public health and environmental threats such as toxics and pollution.⁴⁶ The right is closely linked with the question of consent, and with the phenomenon of children being born “pre-polluted”.</p> <p>23. Every child capable of forming his or her own views has the right to be heard and to influence decision-making processes that may be relevant in his or her life.⁴⁷ Such views are to be given due weight in accordance with the age and maturity of the child.</p>
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24. Critical from a human rights perspective is that children are exposed to harmful substances before they are capable of forming their own opinions, and this is in the period in their lives when they are most at risk from toxic exposures that can lead to the development of associated diseases, disorders and illnesses.

25. When children are capable of forming their views, they are not being heard on important decisions related to toxics and pollution. Article 12 is the key participation right in the Convention on the Rights of the Child, as it recognizes the child as a full human being with the ability to participate in society and in decisions about his or her well-being.

26. While parents and guardians have primary responsibility for the upbringing and development of the child, they are, for many reasons, powerless to protect children from exposure to toxics from a myriad of unavoidable sources. States must prevent childhood exposure, in recognition of the right of present and future generations to be heard.

Right to life, survival and development

27. Every child has the inherent right to life and States are duty-bound to ensure to the maximum extent possible the survival and development of the child. A holistic concept of childhood development should include consideration of factors such as freedom from exposure to toxics and pollution, as such exposure can have an adverse impact on the child's physical, mental, psychological and social development. The child's right to life, survival and development is contingent upon the realization of the rights to health, to food, water and adequate housing, and to a healthy environment, as well as to physical integrity and to information.

28. Exposure to toxic chemicals during crucial periods of development can affect the way in which genes are expressed, leading to deadly or adverse developmental outcomes for some children. Often these are not seen at birth, when a seemingly healthy child may in fact have suffered disruptions to his development that may lead to a higher probability of diseases and disabilities later in life, and in many cases premature death. States must prevent childhood exposure to toxics to protect the right of all children to life, survival and development.

Right to physical and mental integrity

29. The right to physical and mental integrity is well established under international human rights law. This right encapsulates the right of each human being, including children, to autonomy and self-determination over his or her own body. It considers a non-consensual physical or mental intrusion against the body to be a human rights violation.



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30. Childhood exposure to toxics occurs without the child’s (or parent’s) consent. Even if a parent were somehow able to identify every product and possible source of exposure to toxics that might harm their child, they are often powerless to do anything about it, particularly when it involves food, water or air pollution. Young children lack the physical and/or mental ability to vocalize opinions and understand the dangers and potential consequences of toxics until long after harm has been inflicted. This, for example, is why children are not allowed to buy cigarettes or alcohol until a certain age in many countries and are prohibited from working in hazardous conditions.

31. Both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child protect the physical and mental integrity of children. States must protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment”. The Convention on the Rights of the Child (art. 37) and the International Covenant on Civil and Political Rights (art. 7) require States to protect children from torture and other cruel, inhuman or degrading treatment or punishment. All regional human rights instruments recognize the right to physical integrity.

32. The right to physical integrity is implicated by actions or inactions that give rise to contact, not by whether the contact resulted in adverse health impacts. For example: “The common law over the centuries has always protected individuals from unwanted intentional contacts with their person... The common law action of battery developed out of the law’s recognition of an individual’s interest in personal autonomy and bodily integrity — that is, the right of a person to participate in and make decisions about his own body.”

33. Under international law, no derogation is allowed from the right to physical integrity. Under the American Convention on Human Rights, the right of respect for physical integrity is explicitly non-derogable. Courts have interpreted strictly the right to physical integrity, such that even the medical, life-saving exposure to hazardous substances is a violation of a child’s right to physical integrity if without consent. Children have an unqualified right to effective prevention and protection from violence.⁵⁸ No form of violence against children is justifiable and all forms of violence against children are preventable.

34. While the right to physical and mental integrity has traditionally been raised in connection with incarceration, interrogation and medical experimentation, this right is implicated by human exposure to toxics. Although acute poisonings and high levels of intoxication present an unquestionable violation of the right to physical integrity, this right also extends to chronic, low-level exposure to toxic substances.



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35. The pervasive intrusion of toxics, a phenomenon and legal argument also known as “toxic trespass”, raises the question of whether States have taken the right of physical and mental integrity into account in the design of laws and policies. Policies are typically geared towards the risk that accompanies exposure, rather than preventing exposure at the outset.

36. Violence — likewise, torture and cruel, inhuman or degrading treatment — can take many different forms. Incessant exposure to toxics and pollution can be violent, torturous, degrading, cruel and inhumane. Parents of children exposed incessantly to pollution or toxic chemicals bear an enormous level of psychological stress and anxiety, worrying what the impacts may be in the future. Children who live in or around locations of widespread pollution or contamination may be subject to painful harassment and discrimination.

37. States have an obligation to ensure that laws and policies do not permit the production, use, emission or disposal of hazardous substances in a manner that results in children being exposed to them.

38. States must also take active measures to ensure that children are not exposed to chemical substances with unknown properties. States must ensure that individual substances and combinations of substances are well characterized as safe before children are exposed, in order to protect the child from “scientific experimentation” and actions or inactions not in their best interests.

Right to an effective remedy

39. States have a duty to ensure that children have access to an effective remedy for violations of their rights, including those due to exposure to toxics. To be effective, remedies should be appropriately adapted for children, taking into account their special needs, risks, and evolving development and capacities. An effective remedy includes (a) the right to equal and effective access to justice; (b) effective and prompt reparation for harm suffered; and (c) access to relevant information concerning violations and reparation mechanism. This includes, inter alia, compensation and satisfaction, rehabilitation and guarantees of non-repetition.

40. The right to an effective remedy requires the remediation of contaminated sites, the cessation of actions or inactions that give rise to impacts, the provision of health care, and the dissemination of information to ensure that parents and children know how to prevent recurrence. Timely reparation to prevent recurrence is essential.



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	<p>41. Prevention is the best and often only means of ensuring access to an effective remedy. Children exposed are at risk of life-long impacts, many of which are irreversible, for example the impacts on brain function from lead. The elevated risks of cancer, diabetes, respiratory problems, behavioural disorders, hormonal dysfunctions and other health impacts linked to the hundreds of toxic chemicals children are exposed to cannot be erased. Even if medical treatments are available, the mental suffering that accompanies a child’s exposure to toxics cannot be remedied.</p> <p>42. The violation of a child’s physical integrity from toxics cannot be undone. Causation presents a largely insurmountable obstacle to remedy, with numerous variables and missing information enabling perpetrators to escape accountability. As information is made available, the hazardous substance exposure levels previously considered “safe” continue to fall and increasing numbers of industrial chemicals and pesticides are identified as hazardous — helping to prevent harms in the future, but of far less use to child victims of the past in realizing their right to an effective remedy. Businesses that have left the present generation with contamination are often no longer in existence, financially unable or unwilling to pay for complete remediation.</p> <p>43. States have a duty to prevent recurrence of human rights violations. The inadequate emphasis on prevention and precaution, in favour of an emphasis on risk management without adequate information on which to calculate the risks, has failed to protect human rights, including children’s rights.</p>
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2.3. Special Rapporteur in the field of cultural rights

Report	References to Children’s Rights and the Environment
A/HRC/46/34/Add.1 (2020)	<p>Recommendations</p> <p>77. To improve the realization of cultural rights in facing the environmental crisis caused by the climate emergency, the Government should:</p>



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<p>Report of the Special Rapporteur in the field of cultural rights, Karima Bennouna* on her mission to Tuvalu</p>	<p>(a) Periodically assess the human rights impact of climate change and natural disasters, including on the enjoyment of cultural rights, and including on a variety of social groups, such as youth, women, persons with disabilities, persons living in poverty and minorities;</p>
<p>A/75/298 (2020) Special Rapporteur in the field of cultural rights, Karima Bennouna, addresses the cultural and cultural rights dimensions of the current climate emergency.</p>	<p>8. [...] Climate change magnifies existing gender inequalities between girls and boys, and raises cultural rights-related obstacles for girls, including increased difficulties accessing education.</p> <p>9. Climate change is “the most significant intergenerational equity issue of our time. Children and future generations are bearing, or will come to bear, the brunt of its impact on a polluted, degraded planet.”</p> <p>Youth must be recognized not just as representatives of the future, but as full participants in making climate policy in the present.</p>
<p>A/HRC/43/50/Add.2 (2020) Visit to Maldives Report of the Special Rapporteur in the field of cultural rights. Maldives.</p>	<p>E. Climate change, environment and cultural rights</p> <p>79. During her mission, the Special Rapporteur visited a centuries-old cemetery reportedly containing the graves of those involved in bringing Islam to Maldives. That cemetery is perhaps less than 100 metres from the ocean. Locals feared the site would be gone in 10 years, owing to sea-level rise and erosion. A 15-year-old Maldivian environmental and cultural heritage activist said to the Special Rapporteur: “I fear for the survival of my country.” No young person should have to face such fears.</p>

2.4. Special Rapporteur on the rights of persons with disabilities

<p>Report</p>	<p>References to Children’s Rights and the Environment</p>
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<p>Special Rapporteur on the rights of persons with disabilities.</p> <p><u>Panel discussion on the rights of persons with disabilities in the context of climate change, HRC44, statement by the Special Rapporteur, Geneva, 8 July 2020</u> (Spanish only)</p>	<p>[unofficial translation]: Our collective faces the interruption of basic services such as health, support and rehabilitation services; several times without the corresponding support mechanisms to ensure mobility, or even with the risk to face death if they cease to work, as is the case of artificial respirators that depend on electricity availability. Where Access to water and sanitation is limited, hygiene and nourishment are left unattended, which poses a risk to our integrity. Moreover, in emergency situations, women and girls with disabilities face a greater threat of gender-based violence.</p> <p><u>“Nuestro colectivo se enfrenta a la interrupción de servicios básicos de salud, de servicios de apoyo y rehabilitación; muchas veces sin acceso a los dispositivos de apoyo para la movilidad, o con el riesgo de perder su vida si estos dejan de funcionar, como es el caso de los respiradores frente a cortes del servicio de electricidad. En situaciones donde el acceso al agua y el saneamiento es limitado, necesidades básicas de higiene y alimentación para nuestro colectivo quedan desatendidas poniendo en riesgo nuestra integridad. Además, en contextos de emergencias, las niñas y mujeres con discapacidad enfrentan mayor riesgo de violencia basada en género.”</u></p>
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2.5. Special Rapporteur on extreme poverty and human rights

Report	References to Children’s Rights and the Environment
<p>A/75/181/Rev.1 (2020)</p> <p>The Special Rapporteur on extreme poverty and human rights.</p>	<p>28. Efforts to move towards sustainable energy should coalesce with efforts to ensure universal access to affordable, reliable and modern energy services, in accordance with target 7.1 of the Sustainable Development Goals. A large number of households still do not have access to affordable modern energy services, especially in rural communities. In 2017, 840 million people did not have access to electricity (compared with 1.2 billion in 2010),and 3 billion people still lack access to clean cooking solutions and are exposed to dangerous levels of air pollution, causing millions of deaths each year, mostly among women and children.</p>



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<p>a) The “just transition” in the economic recovery: eradicating poverty within planetary boundaries. https://www.undocs.org/en/A/75/181/REV.1</p>	
<p>The Special Rapporteur on extreme poverty and human rights. A/76/177 (2021) https://undocs.org/A/76/177</p> <p>b) The persistence of poverty: how real equality can break the vicious cycles.</p>	<p>Health.</p> <p>8. Poverty and ill health are interrelated. Disadvantaged groups are exposed to environmental hazards and extreme temperatures, and to financial barriers in accessing health care. Adults with an early experience of poverty during childhood are at a higher risk of developing hypertension or chronic inflammation. Moreover, poverty affects both the long-term health prospects of individuals and their economic prospects because of its impacts on the child’s development.</p> <p>Housing</p> <p>13. Children from socioeconomically disadvantaged households are generally more likely to grow up in overcrowded, poorly insulated housing that is exposed to polluted and unsafe environments. They are also more likely to live in neighbourhoods that are “ghettoized”, violent and with inadequate access to essential services. These living conditions affect health, of course, both because of housing conditions as such – including exposure to high levels of air pollution, especially where clean energy is inaccessible or regulation insufficient– and because of poor food environments and the limited access to green areas for physical exercise and leisure. ^[7]</p>
<p>A/HRC/41/39 (2019)</p>	<p>24. Treaty bodies have recommended that States set national targets for greenhouse gas emissions, intensify efforts to reach targets, transition to renewable energy, regulate private actors, mitigate the impact of natural disasters and protect vulnerable populations. However, in-depth analysis of the three most engaged treaty bodies (the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women) shows that just 9 per cent of references to climate change since 2008 have dealt with mitigation, the issue of greatest importance for reversing the current</p>



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<p>The Special Rapporteur on extreme poverty and human rights. c) Climate change and poverty.</p> <p>https://undocs.org/A/HRC/41/39</p>	<p>trajectory. These bodies appear far more comfortable in addressing adaptation, impacts on particular groups and procedural rights than confronting the core causes of climate change itself. And while the Committee on Economic, Social and Cultural Rights has pushed developing countries to seek assistance, treaty bodies have by and large not taken a role in determining the responsibility of wealthier countries to provide financial and technical assistance for climate action.</p>
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2.6. Special Rapporteur on the situation of human rights defenders

Report	References to Children’s Rights and the Environment
<p>A/73/215 (2018): ‘Situation of human rights defenders: note / by the Secretary-General’</p>	<p>35. Unfortunately, not all of the discourse about human rights defenders has been positive or even productive...Even children have reported fearing harassment and other more serious mistreatment if they speak up.</p> <p>62. Children, the elderly, persons with disabilities and other marginalized groups continue to face barriers as defenders of human rights. It is imperative to seek ways to bring the perceptions and concerns of such individuals and groups into the discussion of the future of the human rights defender community”</p>



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<p>A/HRC/25/55 (2013): ‘Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya’</p>	<p>92. With regard to youth and student defenders, the Special Rapporteur is concerned about how youth is perceived in society. Often, their young age and alleged lack of maturity are used as grounds for not giving them a say in public affairs. The Special Rapporteur regrets that there is a trend in many countries of passing legislation that prohibits young people from participating in public assemblies. Other legislative moves pertain to the Internet, social media and instant messaging, which are increasingly subject to control by Governments”</p>
<p>A/HRC/19/55 (2011): ‘Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya’</p>	<p><i>III. Selected groups of defenders at risk: journalists and media workers; defenders working on land and environmental issues; and youth and student defenders</i></p> <p><i>3. Youth and student defenders</i></p> <p>97. Despite recognition in international human rights law of the legitimacy of their work, youth and student defenders continue to face severe violations of their human rights as a result of that work... => This section includes also activities, risks and challenges faced by youth and student defenders and an overview by region (paras 101-116)</p>
<p>A/62/225 (2007): ‘Human rights defenders : note / by the Secretary-General’</p>	<p>18. The monitoring of the implementation of the right to freedom of peaceful assembly... which has encouraged States parties on a few occasions to facilitate the exercise by children of their right to freedom of expression, including their rights to freedom of association and of peaceful assembly, so that they can freely discuss, participate and express views and opinions on all matters affecting them. (See <i>CRC/C/15/Add.252</i>, para. 39 and <i>CRC/C/15/Add.180</i>, para. 34)</p> <p>C. Students’ protests:</p> <p>69. Violations suffered by student activists linked to their participation in demonstrations included arrests, often resulting in incommunicado detention, and excessive use of force by the police...</p> <p>101b. In particular, States should... On student protests: take steps to create a conducive environment that allows children and young adults to associate and express views on matters affecting them as well as on broader human rights issues. Student protests have a high educational value as they are among the first experiences of public participation and human rights defence of students. Ensuring conducive environment for student protest is a social investment in addition to a legal obligation (para 101 b).</p>



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2.7. Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Report	References to Children’s Rights and the Environment
<p>A/72/164 (2017): ‘Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; and trafficking in persons, especially women and children’</p>	<p>18. The increase in conflict and humanitarian crises has led to a record level of displacement, with 24.2 million new displacements worldwide in 2016, mostly caused by weather-related disasters. Children are disproportionately affected by conflict and humanitarian crises... By the end of 2015, 28 million children had been forcibly displaced by violence and conflict, of whom 17 million had been internally displaced, 1 million were asylum-seekers and 10 million were refugees. Children are overrepresented in the number of refugees worldwide, accounting for 51 per cent of the 22.5 million refugees in 2016, while they only represent a third of the world’s population.</p> <p>29. Chaos in the aftermath of a natural disaster can also exacerbate the vulnerability to exploitation of the affected communities by making children more prone to accepting, for example, bogus offers of employment or education from traffickers or criminal networks. In order to support the family’s dire economic situation or meet their own needs, children are sold or trafficked for the purpose of labour exploitation. They may be entrusted by family members to people who promise to find them work either within or outside the country, or they may directly offer their services to employers and middle persons. Once in the hands of traffickers who prey on their eagerness to work and send money to the family, those children are forced into the worst forms of child labour.</p> <p>74. Conflict and natural and humanitarian disasters expose children, and more particularly those unaccompanied or separated from their families, to multifaceted vulnerabilities and put them at a higher risk of being trafficked, sold and sexually exploited, coerced into child or forced marriages, and used in the worst forms of child labour. While girls are more likely to fall victims to sexual exploitation, there are nonetheless also cases of boys being abused.</p>
<p>A/HRC/34/55 (2016): ‘Report of the Special Rapporteur on</p>	<p>56. In the context of conflicts or following a natural disaster, children are often separated from their families and the national infrastructure is weakened or rendered incapable of functioning. In such situations, adoption processes are</p>



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<p>the sale of children, child prostitution and child pornography’</p>	<p>particularly open to abuse: children may be deemed adoptable even though their parents are still alive or there may be no monitoring function to ensure that no illegal acts are being committed (A/HRC/19/63 and Corr.1)</p> <p>95. The Special Rapporteur invites all States to:</p> <p>(1) Take effective measures to protect children who are victims of armed conflict and natural disasters from becoming victims of illegal adoption.</p>
<p>A/71/261 (2016): ‘Sale of children, child prostitution and child pornography Note by the Secretary-General’</p>	<p>52. Families living in poverty may be confronted by events affecting the family’s income, such as the loss of a job, an economic crisis or a natural disaster affecting production, or the illness or death of the family’s breadwinner. The impact of such shocks may drive families into survival strategies, resorting to debt or delivering children for the purpose of labour or other forms of exploitation. Children from families with only one or no living parent have been found to be particularly vulnerable to being exploited for domestic work or fishing.</p>
<p>A/HRC/25/48 (2013): ‘Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid?’</p>	<p>6. ...The progression of globalization, the continued expansion of the use of the Internet, including in developing countries, increased migration — either internationally or domestically, in particular due to urbanization, the economic and financial crisis, natural disasters, conflicts and climate-related changes have all affected children’s vulnerability...</p> <p>5. Climate change and natural disasters (based on (A/HRC/19/63)</p> <p>44. Global warming and natural disasters have continued to affect children in all parts of the world. According to UNICEF, “climate-related hazards are increasing, accounting for 70 per cent of all disasters today compared to 50 per cent two decades ago, and such climate-related crises are projected to affect hundreds of millions every year as early as 2015”</p> <p>45. Drought, earthquakes and floods put children at risk. They directly affect the child’s daily environment by impacting food security, water sources and diseases, among others. They increase vulnerability by creating further hardships for families and may be an incentive to migrate. They weaken governance systems, affect delivery of services and dislocate families. Following a natural disaster, children are more likely to be unidentified, hastily fostered, adopted or placed in long-term care institutions. Some people exploit the chaotic environment to engage in criminal activities, including selling children for the purposes of illegal adoption, forced labour or sexual exploitation. Evidence suggests that climate extremes have a tangible impact on the sale and sexual exploitation of children.</p> <p>46. Climate change and natural disasters are likely to remain significant concerns in coming years...</p>
<p>A/68/275 (2013): ‘Effective prevention strategies in</p>	<p>26. “Pull factors” refer to the elements that draw children into exploitative situations. They include both the reasons why some children may be lured into sexual exploitation and the demand side that creates conditions for harm. New</p>



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<p>combating the sale and sexual exploitation of children’</p>	<p>technologies, globalization, criminal networks and external shocks, such as economic crises, conflicts or natural disasters, all affect the nature of risks and the exposure of children to them.</p> <p>Environmental factors</p> <p>59. Shocks in the broader context may also contribute to putting children at risk. Drought or conflict, for instance, may break down governance systems, disrupt families and drive families and children away from their environment, increasing their vulnerability. Studies on the impact of climate change and natural disasters on children have underscored their effects on the sale and sexual exploitation of children.</p> <p>7. Child protection during humanitarian crises</p> <p>93. During humanitarian crises following natural disasters or climate-related catastrophes, child-friendly and safe spaces should be established in temporary shelters or camps where every child can rest and play with a sense of normalcy and receive care and support under the supervision of trained professionals and appropriate security. Temporary shelter arrangements and the delivery of basic services should be established with a view to avoiding the accidental separation of children from their families.</p>
<p>A/HRC/19/63 (2011): ‘Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid’ => a thematic study on the protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters.</p>	<p><i>III. Protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters</i></p> <p>13. The present report explores the impact of humanitarian crises – particularly natural disasters – on the vulnerability of children to sale and other forms of exploitation. The report provides an overview of challenges, good practices and lessons learned in relation to the protection of children in natural disasters...</p> <p>B. Children’s vulnerability in natural disasters 1. Natural disasters and climate-related catastrophes</p> <p>Paras 15 ff</p>



2.8. Special Rapporteur on the rights of Indigenous peoples

Report	References to Children’s Rights and the Environment
<p>Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, submitted in accordance with Commission resolution 2001/65* (2003)</p> <p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/105/44/PDF/G0310544.pdf?OpenElement</p>	<p>The human rights of indigenous peoples and communities must be considered of the utmost priority when development projects are undertaken in indigenous areas. Governments should account the human rights of indigenous peoples a crucial factor when considering the objectives, costs and benefits of any development project in such areas, particularly when major private or public investments are intended. The potential long-term economic, social and cultural effects of major development projects on the livelihood, identity, social organization and well-being of indigenous communities must be taken into account in the assessment of their expected outcomes, and must be closely monitored on an ongoing basis. Such effects would include health and nutrition status, migration and resettlement, changes in economic activities, levels of living, as well as cultural transformations and socio-psychological conditions, with special attention given to women and children.</p> <p>22. The Bakun Dam in Malaysia is reported to cause the forced displacement of 5,000-8,000 indigenous persons from 15 communities by clear-cutting 80,000 hectares of rainforest. Indigenous peoples in Manipur, India, were reported to suffer a similar fate caused by the building of 25 hydroelectric dams. Thousands of families of the Santhal Adivasi people in the Jharkhand province of India have reportedly been displaced as a result of extraction of minerals without proper compensation or economic security. In Thailand, several highland communities including the Karen people have reportedly been moved out of national parks against their will, whereas tourist development in Hawaii resulted in the displacement of indigenous people and their increasing poverty. Asian indigenous representatives expressed to the WGIP that “... conflict and development interventions had resulted in large-scale displacements, internal and external, and serious consequences for [indigenous] children and youth resulted from the implementation of inappropriate and non-consultative development projects.</p> <p>In June 2001 the Inter-American Court of Human Rights asked the Government of Colombia to take “urgent and concerted” measures regarding the disappearance of an Emberá leader, and to guarantee the right to life and the physical</p>



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	<p>integrity of the rest of the community. It had to reiterate this appeal several days later as a result of Government inaction. In 2002 further assassinations and forced disappearances decimated the Emberá-Katío communities in the region. In October the Office of the United Nations High Commissioner for Human Rights in Bogotá issued a press statement denouncing the forced displacement of an Emberá community of 800 people, including 250 children, due to threats by the FARC and called upon the national Government to take adequate protective measures.</p> <p>51. Involuntary displacement readily leads to a violation of several economic, social and cultural rights. Despite claims to the contrary, resettled Adivasis have generally had to suffer a reduction in their standard of living, the loss of livelihood resources, and a reduction of health standards, a situation that stands counter to articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. While in displaced communities Government has established schools for the population, there are reports that due to economic hardship many children cannot afford to stay in school, whereas the curriculum appears to be ill-adapted to the cultural and language needs of Adivasi children (art. 13). There have also been reports of violence and the use of force by the police upon protesters and resisters to displacement, in violation of the International Covenant on Civil and Political Rights. The NBA recently called for protest of the decision by the Narmada Control Authority⁶³ in May 2002 to allow the dam height to rise to 95 m even though over 35,000 families displaced when the dam height reached 90 m have still not been resettled.</p> <p>74. Potential long-term economic, social and cultural effects of major development projects on the livelihood, identity, social organization and well-being of indigenous communities must be included in the assessment of their expected outcomes, and must be closely monitored on an ongoing basis. Such effects would include health and nutrition status, migration and resettlement, changes in economic activities, levels of living, as well as cultural transformations and socio-psychological conditions, with special attention given to women and children.</p>
<p>Indigenous peoples and coronavirus disease (COVID-19) recovery Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay* (August 2021)</p> <p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G</p>	<p>24. A disproportionately high percentage of indigenous children do not have access to the Internet at home, which creates barriers to education and causes disengagement from learning. Closing the technological gap will allow indigenous communities greater opportunity to work and study remotely. Internet access is also necessary to communicate emergency information during future pandemics.</p> <p>34. The United Nations Declaration on the Rights of Indigenous Peoples states that: “States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the needs of indigenous elders, women, youth, children and persons with disabilities.” (art. 21 (2)). The risk of indigenous peoples being overlooked both in pandemic mitigation efforts and in the post-COVID-19 recovery process, including, in particular, indigenous women, children, persons with disabilities and older persons, is growing exponentially.</p> <p>35. A gender-based approach is needed when planning and implementing COVID-19 recovery measures to address</p>



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<p>21/217/10/PDF/G2121710.pdf?OpenElement</p>	<p>inequalities and the unique impacts on women. Women are often the primary caregivers for children and other dependents and tend to bear the burden of domestic labour, which has increased in the light of stay-at-home orders.</p> <p>36. The educational needs of children and youth need to be considered to catch up from extended periods of school shutdowns and difficulty accessing remote learning. One of the benefits of indigenous children remaining at home and learning remotely has been the increased opportunity for cultural teachings and the transmission of knowledge between generations. In many cases the pandemic has deepened “connections to land, culture and language which provide some potential for pathways forward”. 48 Unfortunately, school closures have also led to increased levels of pregnancy and early marriage among schoolaged girls. Girls are also less likely to receive support to continue with their education due to increased domestic responsibilities and will need targeted support in COVID-19 recovery measures.</p> <p>51. Some States have initiated programmes that could have positive impacts on indigenous peoples during the COVID-19 recovery phase. First Nations in British Columbia, Canada, already had an agreement in place between the national and provincial Governments to improve emergency management services and indigenous leaders report that results were achieved. As part of a COVID-19 recovery spending package, Canada allocated funding to indigenous peoples to enhance public health measures and assist with supportive care costs, conducted round tables and surveys with indigenous communities and launched a violence prevention programme to provide culturally relevant support to indigenous women, children, lesbian, gay, bisexual, transgender and intersex persons and two-spirit people.</p>
<p>Rights of indigenous peoples report of the Special Rapporteur on the Rights of Indigenous Peoples A/HRC45/34, 18 June 2020</p> <p>https://digitallibrary.un.org/record/3875103?ln=zh_CN</p>	<p>6. The Special Rapporteur had an official visit scheduled to Denmark and Greenland from 9 to 19 March 2020. Although the country visit was initiated, it had to be interrupted due to COVID-19 restrictions and security concerns. The Special Rapporteur notes that the Government of Denmark and the Government of Greenland have both indicated their desire for the visit to be completed, and she hopes that this can be carried out by her successor as soon as the situation allows. Among the preliminary non-exhaustive topics that will be addressed as part of the country visit are the situation of children and youth, health, self-governance, development and climate change impacts.</p>
<p>Report of the Special Rapporteur on the Indigenous Peoples, A/HRC/3917-10 (August 2018)</p>	<p>78. Furthermore, indigenous women who are criminalized suffer gendered impacts. Smear campaigns tend to target indigenous women by spreading rumours that they are dishonourable women of poor reputation who violate indigenous traditions by engaging in public participation and advocacy on community concerns. The aim of such defamation is to disempower and alienate women from their families and communities. While the majority of indigenous individuals who face criminal charges are men, women bear the brunt of their absence as they have to single-handedly assume all</p>



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<p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/246/34/PDF/G1824634.pdf?OpenElement</p>	<p>responsibilities for securing resources to sustain the family, including food and the means to send their children to school. During her recent country visit to Guatemala, the Special Rapporteur met with numerous indigenous women whose husbands were detained and heard first-hand accounts of the dire consequences for the affected women and the families.</p>
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2.9. Special Rapporteur on the human rights of internally displaced persons

Report	References to Children’s Rights and the Environment
<p>A/75/207 (2020) Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary</p>	<p>31. Children and young persons will suffer the most severe impacts of climate change resulting from the historic greenhouse gas emissions of previous generations. Given their young age and limited resources, their ability to adapt to the changing climate is limited. This is particularly worrying given that the countries most exposed to the adverse effects of climate change have predominantly young populations. At the early stages of slow-onset processes, men and boys of working age might migrate in search of better life opportunities, which exposes them to a number of risks. They are likely to have unsafe and poorly remunerated jobs and to live in inadequate housing in unsafe areas. While they might have had a degree of choice in their initial movement, they might be unable to return to their area of origin when slow-onset processes reach the threshold of a disaster, and thus become forcibly displaced. Children who remain in the affected area are exposed to the evolving environmental effects and are at risk of disasters, a situation that is likely to lead to their gradual impoverishment and eventual displacement. Conversely, some families might decide to send women and girls to a camp where they can receive assistance, while men and boys stay behind to look after their house, livestock or fields. The risks are different for those who move and those who stay, but exist in both cases. In either case, family separation makes children more likely to drop out of school and to work to support themselves or their families, increasing their vulnerability to child and forced labour exploitation and abuse, including sexual exploitation and, in some contexts, child recruitment and use in armed conflict.</p> <p>32. Furthermore, owing to gender roles and the unequal distribution of resources, women and girls are particularly vulnerable to the adverse effects of climate change and at higher risk of violence during displacement. In some communities, they might be involved in gathering or producing food and collecting water, activities that are more directly affected by slow-onset processes. Women might have limited access to land, property ownership and livelihoods, which</p>



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	<p>increases their dependence on other family members, exacerbate their vulnerability to slow-onset events and constitute barriers to their achieving durable solutions. When men and boys migrate at the early stages of a crisis, women and girls often stay behind, living in an increasingly hazardous context. As in other situations of internal displacement, when women and girls are displaced, they often have more limited livelihood opportunities and access to health care, and are exposed to a higher risk of sexual and gender-based violence, forced labour, exploitation, abuse and trafficking in persons. In some societies, women and girls unaccompanied by a male family member might face discrimination and barriers to accessing basic services and obtaining civil documentation. In situations of crisis, women and girls are more likely to take on house chores and caring duties. Girls might drop out of school and women and girls might be subjected to child or forced marriage.</p> <p>54. Internally displaced persons, communities at risk of displacement and host communities must be involved in decision-making processes relating to the planning and implementation of prevention and response strategies as well as durable solutions, at all stages of development, implementation and monitoring of laws, policies, programmes and strategies. The participation of specific groups, including women, children, older persons, persons with disabilities and indigenous peoples, must also be ensured.</p>
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2.10 Special Rapporteur on the human rights of migrants

Report	References to Children’s Rights and the Environment
<p>Call for input for the Report on the impact of climate change and the protection of the human rights of migrants (Due 14 April 2022) https://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/ReportClimateChange.aspx</p>	<p>As explained in the call for inputs:</p> <p>“In carrying out his mandate, the Special Rapporteur has decided to dedicate his forthcoming report to the 77th session of the General Assembly to the issue of the impact of climate change and the protection of the human rights of migrants.</p> <p>Climate change, an increasingly potent driver of migration, continue to compel millions of people to leave their homes every year. The latest Groundswell report released by the World Bank finds that climate change could force 216 million</p>



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people across six world regions to move within their countries by 2050. Given the linkage between internal displacement and international migration, this figure helps to illustrate the scope of cross-border climate change-related migration.”

The call for input’s stated objectives are to:

“advance the understanding of the complex relationship between climate change, human rights and migration as well as the multifaceted drivers of international migration in the context of climate change;

- examine the human rights situation of migrants, especially women, children and other individuals in specific vulnerable situations, affected by the adverse effects of climate change, bearing in mind that vulnerabilities may occur throughout the migration process and regardless of whether the movement was “voluntary” or not;
- analyse the contribution of effective national prevention, protection and assistance instruments provided for internally displaced persons owing to climate change to minimizing the drivers and factors that compel people to leave their countries of origin;
- identify promising practices at the local, national and regional levels, including considerations given to climate change impacts as a possible ground for admission and stay in relevant asylum and migration procedures and any concrete mechanisms granting human rights protection to migrants in the context of climate change impacts, including in combination with other factors;
- examine processes made on devising available and flexible pathways for regular international migration in the context of climate change as an adaptation option, recognizing that well-managed migration can become an effective adaptation strategy in the context of climate change, and can contribute positively to all aspects of economic, environmental and social development of the host community.”

In generating the information required to conduct the requisite analysis and meet these objectives, the Special Rapporteur’s requests for information in the call for inputs centre on a number of key points:

“The Special Rapporteur welcomes inputs from Member States, inter-governmental organizations, UN entities, civil society organizations, national human rights institutions, business representatives and other stakeholders, on any or all of the following issues, including case studies and specific examples of good practices and current challenges:

1. Please provide information, where applicable, on how existing national efforts to address internal displacement in the context of climate change contribute to minimize drivers compelling people to migrate. Please include any measures taken to protect, assist and provide durable solutions to persons, particularly women and children and other individuals with specific vulnerabilities, who have been internally displaced due to the adverse effects of climate change, and effective climate change mitigation and adaptation measures, as well as measures to address loss and damage associated with impacts of climate change. Please also describe any



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	<p>protection gaps that have been identified in this context.</p> <ol style="list-style-type: none">2. Please provide information on climate change-related cross-border movements observed in your country and/or region, including information on the main challenges, impacts and key human rights concerns. How has climate change exacerbated other migration drivers?3. Please indicate how relevant State obligations under international human rights and refugee law are respected at the national level in addressing climate change-related international migration and providing protection to persons crossing international borders in response to the adverse effects of climate change. More specifically, please explain to what extent the impacts of climate change are recognized as a possible ground for admission and stay in national migration laws and policies, as well as asylum procedures and other procedures, including for temporary and long-term protection and return procedures. Please include information on any concrete mechanisms put in place to grant admission and stay and ensure protection to people fleeing the adverse effects of climate change.4. Please share examples of national and regional solutions to expand and facilitate pathways for safe and regular migration for people who are compelled to leave their countries in the context of climate change. Please indicate whether your country has adopted any bilateral, subregional, regional, international mechanisms, agreements, frameworks or programs, to facilitate safe, orderly and regular movements for migrants in the context of climate change.5. Please share examples of good practices that your country or region have adopted to promote a human rights-based approach to international migration in the context of climate change and to ensure the protection of the human rights of persons crossing borders in the context of climate change. Please indicate any specific challenges that your Government has encountered, or any protection gaps that have been identified, in ensuring the effective enjoyment of human rights of migrants, particularly women, children, older persons, persons with disabilities, Indigenous peoples, minorities and other persons, groups and peoples with specific vulnerabilities, affected by climate change.6. Please provide information on measures taken by your country to support and facilitate the integration of arriving migrants in the context of climate change-related migration and highlight any contributions of migrants to the host communities.7. Engagement with civil society organizations, national human rights institutions, and other stakeholders: please provide information of concrete initiatives, actions and programs relating to migration and climate change that have been developed by civil society organizations and other stakeholders in your country. Please explain to what extent the work of civil society organizations and other stakeholders on migration and climate change is taken into account to inform national policies.8. Please provide information on any specific or additional challenges in the context of the COVID-19 pandemic in the implementation of climate change mitigation and adaptation measures.9. Please include any other information relating to the impacts of climate change on migration and the human
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	rights of affected populations.”
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2.11. Special Rapporteur on violence against women, its causes and consequences

Report	References to Children’s Rights and the Environment
<p>A/HRC/41/26 (2019) Annual report Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women</p>	<p>7. Many smallholder farmers are women whose livelihoods and food sources – as well as the food security of their families and communities – are at risk from climate change. Climate change-related food insecurity also affects women differently because of their nutritional needs during pregnancy, lactation and childbirth. Poor nutrition is a factor in the prevalence of anaemia among women, which has risen in women of reproductive age from 30.3 per cent in 2012 to 32.8 per cent in 2016, worldwide. Discriminatory food allocation within families can also affect nutrition, as women are often the first to skip meals or reduce consumption during times of scarcity. Rural women are among the most likely to suffer when food prices escalate.</p> <p>(...)</p> <p>14. Climate change can also directly affect pregnancy, heightening risks of maternal mortality and morbidity and threatening the enjoyment of women’s rights to health and life. Negative pregnancy and maternal health outcomes, such as reduced birth weight, may result from exposure to extreme temperatures. Poor air quality from the combustion of fossil fuels can affect maternal and child health by causing intrauterine growth restriction and congenital defects. Salinization of drinking water sources as a result of sea-level rise may cause increased rates of adverse health outcomes, including preterm births and maternal and perinatal deaths.</p> <p>(...)</p> <p>16. The adverse effects of climate change increase the risks of sexual and gender-based violence. There are clear links between poverty, which climate change deepens, and sexual and gender-based violence. Child, early and forced marriages can occur as a harmful coping strategy among those who suffer from economic stress due to disasters and the slow-onset adverse effects of climate change.</p> <p>(...)</p>



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23. Although many women may migrate into situations of greater empowerment or assume leadership roles in the response to climate change, human mobility poses unique risks to women. Women on the move are more likely to suffer from sexual and genderbased violence. Lesbian, gay, bisexual, transgender and intersex persons displaced by climate change may also face elevated risks of violent abuse in the context of human mobility. Furthermore, the economic impacts of climate change can contribute to increased human trafficking and child, early and forced marriages, both of which often involve migration.

(...)

42. The Beijing Declaration and Platform for Action aims to “ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms”. It states that the “eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development”. The Platform for Action provides a blueprint for women’s empowerment, identifying the environment as a critical area. It calls for involving women actively in environmental decision-making at all levels, integrating gender concerns and perspectives in policies and programmes for sustainable development, and strengthening or establishing mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women

(...)

53. A number of stakeholder inputs highlighted specific examples of domestic laws and policies related to climate change and gender equality. Morocco had specific legislation on gender and environment, and tracked relevant indicators. Guatemala had a fund for recognizing women’s land rights, and a specific gender provision in its climate law.⁹⁶ In Mexico, the General Law on Climate Change guaranteed the right to a healthy environment and included a specific focus on gender equality and the empowerment of women. In the Philippines, Republic Act No. 9729 required “the State to incorporate a gender-sensitive, pro-children and pro-poor perspective in all climate change and renewable energy efforts, plans and programmes”.

Conclusions and recommendations

60. Climate change affects women, men, boys and girls in different ways. Entrenched and systemic discrimination can lead to gender-differentiated impacts of climate change with respect to health, food security, livelihoods and human mobility, among other things. Intersectional forms of discrimination can further increase the vulnerability of some women and girls to climate change, while the exclusion of women from climate action inhibits its effectiveness and further exacerbates climate harms. The meaningful, informed and effective participation of women with diverse backgrounds in relevant decision-making processes lies at the heart of a rights-based, gender-responsive approach to climate action. This inclusive approach is not only a legal, ethical and moral obligation; it will also make climate action more effective.



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	<p>(...)</p> <p>Increase the effectiveness of climate action by funding and developing an improved understanding of the differentiated human rights impacts of climate change on women, including through: • Disaggregated data collection that pays particular attention to gender and its intersections with characteristics such as age, disability and ethnicity; • Development of gender-specific indicators; • Mapping the effects of climate change upon the poor, women, and girls; • Identifying priority areas of action to support women, and enhance access to benefits.</p>
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<p>Call for inputs – Report on violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response</p> <p>(2022)</p>	<p>The Special Rapporteur kindly seeks the support of States, National Human Rights Institutions, civil society actors, international organizations, academics and other stakeholders to provide updated information on:</p> <ol style="list-style-type: none"> 1. The impacts of the climate crisis, environmental degradation and related displacement on gender-based violence against women and girls, and on specific groups of women and girls, such as women and girls with disabilities, indigenous women and girls, migrant or displaced women and girls, older women, rural women and girls, women and girls living in extreme poverty, women and girls human rights defenders, or other groups with heightened vulnerabilities or intersecting and overlapping identities. In particular, the Special Rapporteur would be interested in updated information on the ways in which intersectionality impacts the experience of violence and its consequence by different women and girls, depending on their background and profile; 2. The different manifestations or specific types of gender-based violence experienced by women and girls related to the climate crisis, environmental degradation and related displacement; 3. Good practices, strategies and challenges in the mitigation and prevention of gender-based violence and in the protection of women and girls in the context of the climate crisis, environmental degradation and related displacement, including in the promotion of access to justice, remedies and redress for victims/survivors; 4. Good practices, strategies and challenges related to integrating gender equality and countering gender-based violence against women and girls in climate crisis related disaster risk reduction mitigation and response, including women-led and community-based responses. If available, please provide information on lessons learned from the responses to the COVID-19 pandemic and its intersection with climate crisis related disaster risk mitigation and response; 5. The extent to which women and girls are able to, at all levels, access information and participate fully, equally and meaningfully in the mitigation of the climate crisis, including environmental degradation and the sudden onset of disasters, and the response to it, as stipulated by the United Nations Framework Convention on Climate Change Gender Action Plan; 6. The way in which decisions as to what and how to finance climate crisis mitigation, adaptation and response affects funds available for preventing and ending gender-based violence against women and girls;
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2.12. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Report	References to Children’s Rights and the Environment
<p>The right to a clean, healthy and sustainable environment: non-toxic environment</p> <p>Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment</p> <p>A/HRC/49/53</p> <p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/004/48/PDF/G2200448.pdf?OpenElement</p>	<p>7. The world is struggling to address both old and new chemical threats. For example, lead is still widely used despite long-standing knowledge regarding its toxicity and devastating consequences for the neurological development of children. Lead causes close to 1 million deaths annually, as well as immense and irreversible damage to the health of millions of children.</p> <p>21. While all humans are exposed to pollution and toxic chemicals, there is compelling evidence that the burden of contamination falls disproportionately upon the shoulders of individuals, groups and communities that are already enduring poverty, discrimination and systemic marginalization. Women, children, minorities, migrants, Indigenous peoples, older persons and persons with disabilities are potentially vulnerable, for a variety of economic, social, cultural and biological reasons. Workers, especially in low- and middle-income nations, are at risk because of elevated exposures on the job, poor working conditions, limited knowledge about chemical risks and lack of access to health care. Millions of children are employed in potentially hazardous sectors including agriculture, mining and tanning.</p> <p>30. In Kabwe, Zambia, 95 per cent of children suffer from elevated blood lead levels caused by lead mining and smelting. Experts described the situation as a severe environmental health crisis, and Kabwe was named as one of the most polluted places on Earth. Exposure to lead during childhood impairs neurological development, causing lifelong cognitive deficits. Extremely high levels of exposure, such as those seen in Kabwe, can cause blindness, paralysis and death.</p> <p>34. China extracts the majority of the world’s rare earth minerals, elements used in products including electric vehicles, wind turbines and mobile phones. These minerals are mined in Bayan Obo and processed in Baotou, a nearby city. Air quality is very poor, and toxic emissions cause a substantial lifetime risk of lung cancer for local residents, especially children. Residents have elevated levels of rare earth minerals (lanthanum, cerium and neodymium) in their blood, urine and hair. Elevated concentrations of heavy metals in dust and soil threaten people’s health.</p>



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39. Quintero-Puchuncaví, the most notorious sacrifice zone in Chile, is home to the Ventanas industrial complex, comprising more than 15 industrial businesses (oil refineries, petrochemical facilities, coal-fired power plants, gas terminals and a copper smelter). In 2018, a major air pollution incident in Quintero-Puchuncaví made hundreds of school children ill. In the universal periodic review process, the United Nations country team recommended that Chile investigate the negative effects on the inhabitants of sacrifice zones, accelerate the implementation of remediation programmes and develop environmental quality standards in accordance with WHO international standards. The Supreme Court of Chile concluded that the egregious air pollution in Quintero-Puchuncaví violated the right to a pollution-free environment and ordered the Government to take steps to address the problem.

40. In La Oroya, Peru, generations of children have been poisoned by a huge lead smelter. A shocking 99 per cent of children have levels of lead in their blood that exceed acceptable limits. Despite interventions by the Constitutional Court of Peru and the Inter-American Commission on Human Rights, levels of contamination in La Oroya remain hazardous. Also located in Peru, in Cerro de Pasco, is a massive open-pit mine adjacent to an impoverished community exposed to elevated levels of heavy metals. In 2018, the Government of Peru declared a state of emergency in Cerro de Pasco because of the pollution, but children in the region continue to suffer adverse health effects.

3. Special Procedures and Committees

3.1. Committee on the Rights of the Child

Convention, comment and decision	References to Children's Rights and the Environment
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<p>UN Convention on the Rights of the Child</p> <p>https://www.ohchr.org/en/professionalinterest/pages/crc.aspx</p>	<p>Article 24</p> <p>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.</p> <p>2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:</p> <p>(a) To diminish infant and child mortality;</p> <p>(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;</p> <p>(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;</p> <p>(...)</p>
<p>Committee on the Rights of the Child, General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), CRC/C/GC/15</p> <p>https://undocs.org/es/CRC/C/GC/15</p>	<p>49. 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.</p> <p>50. 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 center of their climate change adaptation and mitigation strategies. States have three types of obligations relating to</p>



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	<p>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.</p>
<p>Committee on the Rights of the Child Decision adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of Communication No. 104/2019* , and four similar cases</p>	<p>The CRC found that the youth are victims of foreseeable threats to their rights to life, health, and culture, and that a sufficient causal link exists between the harm alleged by children due to climate change and the acts or omissions of the States in preventing it. The CRC held that States are legally responsible for the harmful effects of carbon emissions originating in their territory on children both inside and outside their territory.</p>

3.2. Committee on the Elimination of Discrimination against Women



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Convention, comment and decision	References to Children’s Rights and the Environment
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<p>Committee on the Elimination of Discrimination against Women (joint statement)</p> <p>https://www.ohchr.org/en/hrbodies/cedaw/pages/cedaw_index.aspx</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1252&Lang=en</p>	<p>On 9 July 2019, further to its decision 72/XI, the Committee adopted the text of a statement on the issue of human rights and climate change, issued jointly with the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of Persons with Disabilities on 16 September 2019 on the occasion of the 2019 Climate Action Summit (bit.ly/3btIpcR):</p> <p>(...) This report confirms that climate change poses significant risks to the enjoyment of the human rights protected by the International Convention on the Elimination of all Forms of Discrimination Against Women, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, and the International Convention on the Rights of Persons with Disabilities. The adverse impacts identified in the report threaten, among others, the right to life, the right to adequate food, the right to adequate housing, the right to health, the right to water and cultural rights. These negative impacts are also illustrated in the damage suffered by the ecosystems which in turn affect the enjoyment of human rights. The risk of harm is particularly high for those segments of the population already marginalised or in vulnerable situations or that, due to discrimination and pre-existing inequalities, have limited access to decision-making or resources, such as women, children, persons with disabilities, Indigenous peoples and persons living in rural areas. Children are particularly at heightened risk of harm to their health, due to the immaturity of their body systems.</p> <p>(...) Women, children and other persons such as persons with disabilities, should not be seen only as victims or in terms of vulnerability. They should be recognised as agents of change and essential partners in the local, national and international efforts to tackle climate change. The Committees emphasise that States must guarantee their human right to participate in climate policy-making, and further, that given the scale and complexity of the climate challenge, States must ensure an inclusive multi-stakeholder approach, which harnesses the ideas, energy and ingenuity of all stakeholders.</p> <p>State’s human rights obligations</p> <p>(...) 4. When reducing emissions and adapting to climate impacts, States must seek to address all forms of discrimination and</p>
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inequality, including advancing substantive gender equality, protecting the rights of Indigenous peoples and of persons with disabilities, and taking into consideration the best interests of the child.

(...) 7. In the design and implementation of climate policies, States must also respect, protect and fulfil the rights of all, including by mandating human rights due diligence and ensuring access to education, awareness raising, environmental information and public participation in decision-making. In particular, States have the responsibility to protect and defend effectively the rights of environmental human rights defenders, including women, Indigenous and child environmental defenders.

International Co-operation 1. As part of international assistance and co-operation towards the realization of human rights, high-income States should also support adaptation and mitigation efforts in developing countries, by facilitating transfers of green technologies, and by contributing to financing climate mitigation and adaptation. In addition, States must co-operate in good faith in the establishment of global responses addressing climate-related loss and damage suffered by the most vulnerable countries, paying particular attention to safeguarding the rights of those who are at particular risk of climate harm and addressing the devastating impact, including on women, children, persons with disabilities and indigenous peoples.



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General Recommendation
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CEDAW/C/GC/37

Committee on the
Elimination of
Discrimination against
Women

[https://tbinternet.ohchr.org/
Treaties/CEDAW/Shared%
20Documents/1_Global/CE
AW_C_GC_37_8642_E.
pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEAW_C_GC_37_8642_E.pdf)

1. Climate change is exacerbating the risks and impact of disasters globally by increasing the frequency and severity of weather and climate hazards, which heightens the vulnerability of communities to these hazards. Scientific evidence shows that human-caused changes in climate are now responsible for a large proportion of extreme weather events around the world. The human rights consequences of these disasters are apparent in political and economic instability, growing inequality, declining food and water security and in increased threats to health and livelihoods. While climate change affects everyone, those countries and populations, including people living in poverty, young people and future generations, who have contributed least to climate change are most vulnerable to its impact.

2. Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. Situations of crisis exacerbate pre-existing gender inequalities and also compound intersecting forms of discrimination against, inter alia, women living in poverty, Indigenous women, women belonging to ethnic, racial, religious and sexual minorities, women with disabilities, women refugees and asylum seekers, internally displaced, stateless and migrant women, rural women, single women, adolescents and older women, who are often affected disproportionately compared to men or other women.

3. In many contexts, gender inequalities limit the control that women and girls have over decisions governing their lives as well as their access to resources such as food, water, agricultural inputs, land, credit, energy, technologies, education, health, adequate housing, social protection and employment. As a result of these inequalities, women and girls are more likely to be exposed to disaster induced risks and losses related to their livelihoods and they are less able to adapt to changes in climatic conditions. While climate change mitigation and adaptation programmes may provide new employment and livelihood opportunities in sectors such as agricultural production, sustainable urban development and clean energies, failure to address the structural barriers faced by women in accessing their rights will increase gender-based inequalities and intersectional forms of discrimination.

4. Women and girls have higher levels of mortality and morbidity in situations of disaster. Gender-based economic inequalities mean that women, and female-headed households in particular, are at a higher risk of poverty and more likely to live in inadequate housing in urban and rural areas of low land value that are vulnerable to the impact of climate related events such as floods, storms, avalanches, earthquakes, landslides and other hazards. Women and girls in conflict situations are particularly exposed to risks associated with disasters and climate change. The higher levels of mortality and morbidity among women during and following disasters are also a result of inequalities they face in access to adequate health care, food and nutrition, water and sanitation, education, technology and information. In addition, the failure to engage in gender-responsive disaster planning and implementation means that protective facilities and infrastructures such as early warning mechanisms, shelters and relief programmes have frequently neglected the specific accessibility needs of diverse groups of women,



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including women with disabilities, older women and indigenous women.

5. Women and girls also face a heightened risk of gender-based violence during and following disasters. In the absence of social protection schemes and in situations where there is food insecurity, coupled with impunity for gender-based violence, women and girls are often exposed to sexual violence and exploitation as they attempt to access food and other basic needs for family members and themselves. In camps and temporary settlements, the lack of physical security, as well as the lack of safe and accessible infrastructures, including drinking water and sanitation, also result in increased levels of gender-based violence against women and girls. Women and girls with disabilities are at particular risk of gender-based violence and sexual exploitation during and following disasters due to discrimination based on physical limitations and barriers to communication, as well as the inaccessibility of basic services and facilities. Domestic violence, early and/or forced marriage, human trafficking and forced prostitution are also more likely to occur during and following disasters.

6. The vulnerability and exposure of women and girls to disaster risk and climate change are economically, socially and culturally constructed and can be reduced. Such vulnerability may vary with different disasters and across geographical and socio-cultural contexts.

7. The categorization of women and girls as passive ‘vulnerable groups’ in need of protection from the impact of disasters is a negative gender stereotype that fails to recognize the important contributions to disaster risk reduction, post-disaster management and climate change mitigation and adaptation strategies that women are already making. Well-designed disaster risk reduction and climate change initiatives that provide for women’s full and effective participation can advance substantive gender equality and women’s empowerment, while ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved. It should be underlined that gender equality is a pre-condition for the realization of sustainable development goals.



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3.3. The Effects of Climate Change on the Full Enjoyment of Human Rights

<p>The Effects of Climate Change on the Full Enjoyment of Human Rights.</p> <p>https://unfccc.int/files/science/workstreams/the_2013-2015_review/application/pdf/cvf_submission_annex_1_humanrights.pdf</p>	<p>58. The Convention on the Rights of the Child, which enjoys near universal ratification, obliges States to take action to ensure the realization of all rights in the Convention, including rights to life and health, for all children within their jurisdiction. The 2009 OHCHR report stated: Overall, the health burden of climate change will primarily be borne by children in the developing world. For example, extreme weather events and increased water stress already constitute leading causes of malnutrition and infant and child mortality and morbidity. Likewise, increased stress on livelihoods will make it more difficult for children to attend school. Girls will be particularly affected as traditional household chores, such as collecting firewood and water, require more time and energy when supplies are scarce. Moreover, like women, children have a higher mortality rate as a result of weather-related disasters.</p>
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3.4. Human Rights council holds an annual debate on the rights of persons with disabilities

<p>Human Rights Council Holds Annual Debate on the Rights of Persons with Disabilities, focusing on awareness raising. 2020.</p> <p>https://www.ungeneva.org/zh/news-media/press/taxonomy/term/1</p>	<p>“[...]Accordingly, there was a need to adopt stronger accountability mechanisms through the integration of a human rights-based approach into the monitoring and follow-up of the Sustainable Development Agenda, as well as by enhancing civil society participation. It was also necessary to adopt the lens of the right to development with its transformative vision, which would enable Governments and different stakeholders and actors to really shift forward a rights-holders perspective to focus on the process by which the Sustainable Development Goals were achieved. Warning of the trends in global warming, climate change and food insecurity, certain speakers called attention to major polluting industries, discharging toxic effluents, as well as to urban sewage and garbage waste dumped into rivers on a daily basis, and to the deteriorating</p>
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[75/53159/human-rights-council-holds-annual-debate-rights-persons](#)

condition of air quality. Some areas were experiencing a major air pollution crisis, which undermined the rights to health, life, education, play and a childhood..]



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