Advice on the Environment Strategy for Northern Ireland: Public Discussion Document

February 2020

1.0 Introduction

The Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people up to 18 years, or 21 years of age if the young person is disabled or in the care of social services. In determining how to carry out her functions, the Commissioner’s paramount consideration is the rights of the child, and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to comment on the Environment Strategy for Northern Ireland: Public Discussion Document. The protection of the environment, while positive in itself, is critical to the realisation of children’s rights and best interests. This has been recognised by the UN Committee on the Rights of the Child, which recognised that:

*Human life depends on the natural environment. Environmental degradation that affects plants, animals and the weather therefore ultimately impacts the livelihoods of families and communities in which children grow up, and their ways of living. Examples include the burning of fossil fuels, and mining activities and deforestation that damage ecosystems and their services. While all children can be affected by such harm, children from communities that retain traditional lifestyles are particularly vulnerable, as their economic, social and cultural practices are deeply rooted in the environment.*

*The conservation of the natural environment is essential for realizing the rights to life, survival and development, health, food, water, an adequate standard of living, and cultural participation. The long-term availability and accessibility of these rights is closely linked to the notion of sustainable development. Children’s rights have a key role to play in highlighting the importance of intergenerational responsibility and prudence in protecting the environment, healthy ecosystems and managing natural resources.[[1]](#footnote-1)*

John Knox, UN Special Rapporteur on human rights and the environment, in presenting to the Committee, emphasised that ‘in sheer numbers, no group is more vulnerable to environmental harm, as a whole, than children.’[[2]](#footnote-2)

There are two reasons for this: firstly, children’s health and development can be very negatively impacted by environmental harm, with adverse impacts potentially extending throughout their lifetime. As an example, a recent study published in the BMJ has found that one in eight new cases of childhood asthma are caused by air pollution, and in particular, traffic pollution in cities.[[3]](#footnote-3)

A second reason that children are more negatively affected than other groups in society is because they will have to live longer with the consequences. While older people may hear the predictions of environmental degradation and climate change with concern, this cannot match the worry experienced by children who will be the ones to live with these negative consequences for longer than older generations.

It is important, however, to remember that children are not just ‘the future’ but an important part of the current population, with a right to have a say in decisions affecting them now, and into the future. They have a particular stake, therefore in how decisions and practices now will impact on the environment over the long term, and arguably their opinions should be given greater weight than those of adults.

2.0 Sources of information informing NICCY’s advice on the Environment Strategy

We have drawn on two expert sources to inform this submission, the first being the UN Committee on the Rights of the Child and the second, the views of children and young people, which are considered throughout this response.

**2.1 UN Committee on the Rights of the Child**

*2.1.1 Concluding Observations 2016*

In May 2016, the Committee conducted its periodic review of the UK State Party’s compliance with its commitments under the UN Convention on the Rights of the Child. For the first time, its recommendations included references to the impact of environmental harm and climate change on children’s rights:

‘Environmental health

67. The Committee is concerned at the high level of air pollution that directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.

68. With reference to Sustainable Development Goal 1, Target 1.5, the Committee recommends that the State party, including the devolved administrations in relation to devolved matters;

(a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas;

(b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, as well as in the framework of its international climate change programmes and financial support.’[[4]](#footnote-4)

*2.1.2 Day of General Discussion on Children’s Rights and the Environment*

In September 2016, the UN Committee on the Rights of the Child held a Day of General Discussion on Children’s Rights and the Environment. While the Committee had increasingly started making reference to the impacts of environmental harm on children in reviewing the progress of States in meeting their responsibilities under the UN Convention on the Rights of the Child, it recognised that there was a need to more comprehensive debate, analysis and action. Our submission draws extensively on the Report of the 2016 Day of General Discussion on Children’s Rights and the Environment.[[5]](#footnote-5)

The Report of the Day of General Discussion provides a very useful examination of the relationship between children’s rights and the environment,

‘Environmental damage is a pressing human rights challenge, which has an impact on children’s lives today and in the future. Violations of their rights resulting from environmental harm can have irreversible, lifelong and even transgenerational consequences. Children everywhere suffer violations of their right to life, development, health, food, water, education, culture, play and other rights because governments fail to protect the natural environment. The impact of pollution in one place can be felt by children living far away and climate change is unquestionably a global problem. While environmental harm affects people at any age, children are particularly vulnerable, due to their evolving physical and mental development and status within society. Certain groups of children, including children from indigenous, low-income or other marginalised communities are often at a higher risk, which raises the question for environmental injustice.’[[6]](#footnote-6)

It concluded with a number of recommendations that should be carefully considered in the context of the development of the Environment Strategy (see Appendix 1).

**2.2 Children and young people’s views**

The second expert source of information on which NICCY has based this response, is the views of children and young people across Northern Ireland, gathered through engagement on three occasions:

1. Engagement with NICCY Youth Panel (NYP) in April 2016 in a workshop on Children’s Strategy ‘Environmental Well-being’ outcome (referred to as NYP 2016)
2. Engagement with children and young people at an event celebrating 30 years of the UN Convention on the Rights of the Child on the 20th November 2019 (referred to as C&YP 2019)
3. Consultation with the NICCY Youth Panel on the Environment Strategy Public Discussion Document, 7 December 2019 (referred to as NYP 2019)

Children and young people feel very strongly about the importance of protecting our environment. During our consultation with them in December 2019, the NICCY Youth Panel talked about feeling scared for the future that the world is being destroyed and may not be liveable in the future.[[7]](#footnote-7) They felt that the response from government has been inadequate and too slow, and that it will be too late for action in the future.

3.0 Responses to questions contained in the Public Discussion Document

**Q1 Do you agree that the Environment Strategy should sit alongside existing Executive-endorsed strategies, such as the Sustainable Development, Public Health and Economic Strategies?**

The Environmental Strategy should be an inter-departmental Executive Strategy, setting out the environmental commitments across government, and requiring actions from all Ministers and Departments. This should include, for example, the Department for Infrastructure, with its remit for transport, and vehicle testing, the Department of Health, with its remit for children’s health, the Department of Education, in relation to the education of children, and play and leisure provision, and the Department for the Economy, in relation to its investment in green energy, and its engagement with the business sector.

This opinion was shared by the NYP,[[8]](#footnote-8) the young people saying that this could not be contained to one department, but that the entire Executive needed to take ownership of the Strategy, working together across government to deliver on the strategic objectives. Indeed, rather than ‘sitting alongside’ other strategies, they argued that it should be a priority above others.

The NICCY Youth Panel particularly considered the interactions with the Children and Young People’s Strategy, an Executive Strategy published in December 2019. The Strategy was developed in the context of the Children’s Services Co-operation Act (NI) 2015, (CSCA) which places a duty on the Executive to cooperate in the provision of children’s services and to adopt a strategy to outline how they will work together improve the well-being of children and young people. This requires that, for the purpose of determining children’s well-being, regard is to be had to the relevant provision of the United Nations Convention on the Rights of the Child. The Act defines the well-being of children and young people against eight characteristics:

1. Physical and mental health
2. Enjoyment of play and leisure
3. Learning and achievement
4. Living in safety and with stability
5. Economic and environmental well-being
6. Making a positive contribution to society
7. Living in a society which respects their rights
8. Living in a society in which equality of opportunity and good relations are promoted.

The NYP recognised that environmental matters impacted on all of the well-being measures. They felt the most clear link was with **physical and mental health**, and this was also highlighted in the UN Committee report:

‘In her statement, Dr. Maria Neira cited recent WHO estimates that emphasise the urgency of the matter: ‘Of the 5.9 million deaths under five each year, 26% are attributable to the environment’. Air pollution alone kills 570,000 children under five every year. But these numbers are only the ‘tip of the iceberg’ as UN Special Rapporteur Baskut Tuncak pointed out later in the debate. ‘There is a silent pandemic’ of disabilities associated with exposure to toxics and pollution during childhood, many of which will not manifest themselves for years or decades. This assault on children’s rights remains largely invisible while decision-makers are not held to account.’[[9]](#footnote-9)

The NYP then considered the implications of environmental degradation on the other well-being indicators.

Children’s enjoyment of **play and leisure** is affected by pollution and litter in their communities, and by their limited access to green spaces, and indeed ‘wild’ places. Contamination of waterways can also affect children and young people’s ability to participate safely in water based leisure activities.

The impact of environmental degradation and climate change on children’s **education** is also affected. Children felt that extreme weather events could limit their access to school, and many talked about the impact of anxiety about climate change on their motivation to study, and plan for the future.

Extreme weather events caused by climate change may also have an impact on children’s **safety and stability** as, for example, flooding is increasing, affecting families across Northern Ireland. Children and families in other parts of the world are likely to be affected more significantly, leading to ‘environmental migrants’ or ‘climate refugees’.

It is perhaps in relation to engagement in environmental issues that children and young people’s **positive contribution to society** is evidence. They have been at the forefront of the movement protesting against climate change through the School Strikes, and are articulate and passionate advocates for the Environment.

The most obvious alignment between the Children’s Strategy Well-being outcomes and the Environment Strategy is in relation to the **Economic and Environmental** outcome. As part of the engagement with the NYP on the development of the Children’s Strategy, we gathered their views about the issues that should be included under the ‘Environmental’ theme.

*Views from NYP on ‘Environmental Well-being’ outcome (NYP 2016)[[10]](#footnote-10)*

Access to nature, and to green spaces is seen as important to children and young people

* There should be more access to gardens / green space in the city and children should be made aware of where food comes from
* Police need to be tougher on littering and imposing fines - pollution
* Stricter rules should be in place for damaging parks
* More drug awareness is needed - problems of children finding needles

There was also a feeling that government is not sufficiently prioritising the protection of the environment, and the promotion of measures such as renewable energy. However, some also felt that there is a growing awareness of global warming. They told us:

* There should be more consideration of the balance between economic advantage and the environmental impact / benefit of renewable energy
* Young people are the future generation and should have the vote at 16 so they can participate in decisions about their future, in particular the environment.
* There is a perception that people are taking more notice of environmental degradation - there is more awareness of global warming. This is covered in school.
* There should be greater subsidies for public transport, off-set by tax on emissions

They felt that there was a lot of waste in the system, including energy and money

* Schools waste energy – for example in lighting. They should all have alternative energy such as solar panels etc
* Concern about how government prioritises what it spends its money on: “government wastes money on things like the EU referendum”
* Money should be distributed more equally between government departments – the environment is not given the same priority in government action and resources as other issues

They argued that, if children were taught at an early age about protecting the environment, this would lead to a culture change within society.

* Environmental policies should be explained to younger children (like Sweden does) so it becomes the norm to protect the environment

Under ‘Environmental Well-being’ the Children and Young People’s Strategy commits to the following:

*‘We will seek to build on the interest that children and young people already have in the environment and provide opportunities for them to access and interact the with natural environment at home, in school and in daily activities; and work to improve and enhance the quality of the environments in which they live, learn and play.’[[11]](#footnote-11)*

The Key Children’s Authorities identified to work together to deliver on this commitment are: DAERA, DfC, DfE, DE, DoH, and DfI. Following publication of the Strategy, these Departments are developing a delivery plan and agreeing indicators by which outcomes will be monitored and reported. It is the expectation of the young people in the Youth Panel, and indeed of the Commissioner, that there will be coordination in the development of the work to deliver on the ‘Environmental Well-being’ aspects of the Children’s Strategy, and the Environment Strategy itself.

**Q2 Do you agree that these broad environmental areas are appropriate for the Environment Strategy?**

The areas identified reflect accurately the areas of concern articulated by children and young people at our UNCRC 30th anniversary event, and from the NYP in 2016 and 2019. More information on their suggestions relating to these areas are provided in the response to Q10.

**Q3: As described below, do you agree that these are appropriate strategic themes for the Environment Strategy?**

It is not clear why themes are needed in addition to the ‘scope’ as previously outlined, and how the two relate to each other. Instead of themes, it would be helpful to see specific actions to be taken by the Executive, across all government Departments. Our engagement with children and young people has identified a range of actions they want to see taken, including:

* Reducing CO2 emissions, contributing to halting climate change
* Reducing the use of plastics
* Improved waste management and recycling
* Reducing pollution of air, land, sea and waterways
* Biodiversity loss halted
* Investment into research exploring solutions to environmental problems, including finding cleaner, sustainable energy sources, cleaning up waterways,
* Enforcing more sustainable business practices
* Investment in public transport to make it more efficient and affordable for people to use
* More access to natural spaces
* Planting more trees, and plants in general including in urban environments

**Q4. Do you have any comment on what specific issues should be included under a proposed Environmental Engagement strategic theme?**

It is critical that children and young people are actively involved in advising on the development and implementation of the Environment Strategy. As was seen from our engagement with children and young people, many have a great deal of interest in exploring options for protecting the environment and halting climate change. Indeed, it is young people who have been at the forefront of protesting against inadequate action to halt climate change.

The NYP recognised that there is a role for schools in educating children and young people about protecting the environment, but it was also clear that there already is a great deal of knowledge among young people, in both primary and secondary settings. This knowledge should be drawn on when engaging on the Strategy. The NYP also felt that education had to also focus on the older generations.

 *Get schools to promote saving the environment.*

*Barra Best and Gary Lightbody collaborate to raise awareness.*

*More education on how to create a sustainable society. (NYP 2019)*

**Q5. Do you have any comment on what specific issues should be included under a proposed Environmental Prosperity strategic theme?**

NICCY is not supportive of the Environmental Prosperity theme. Children understand our environment to be intrinsically of value as a place for people, plants and animals to live, providing all the elements required for life and health, including food, water and air. To then also demand some additional proof of its value in order to make the case to protect it should not be necessary.

**Q6. Do you have any comment on what specific issues should be included under a proposed Environmental Efficiency strategic theme?**

Please see response to Q3.

**Q7. Do you have any comment on what specific issues should be included under a proposed Environmental Quality strategic theme?**

Please see response to Q3.

**Q8. What do you see as the main environmental governance priorities for Northern Ireland?**

The NYP were extremely frustrated at the lack of Government in Stormont, and an impatience at the pace of progress in taking action.

 *Get the Government back! Seriously!!*

 *Get a government.*

 *Get a government.*

 *Get a good government!!!! We need one. Now!*

 *Have a government.*

 *Committee to regulate government environment approach.*

*Its been proven that a more sustainable future is possible yet no action has been taken. (NYP 2019)*

They discussed how breaches of environmental legislation should be addressed, and articulated the need for an independent oversight body to be written into the strategy to monitor its implementation.

NICCY welcomes the commitments contained in the ‘New Decade, New Approach’ document:

‘The Executive will tackle climate change head on with a strategy to address the immediate and longer term impacts of climate change.

The Executive will introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord.’[[12]](#footnote-12)

NICCY welcomes the identification of ‘Climate Change’ in Appendix 2 of the document as a possible Strategic Priority for the Programme for Government 2020 and beyond:

*Climate Change[[13]](#footnote-13)*

1. The parties recognise the need for a coordinated and strategic approach to the challenge of climate change within the Programme for Government. Actions and interventions will be required across a wide range of areas in order to address both the immediate and longer term impacts of climate change in a fair and just way.

To this end:

* The Executive’s strategies to reduce carbon emissions will be reviewed in light of the Paris Climate Change Accord and the climate crisis.
* A new Energy Strategy will set ambitious targets and actions for a fair and just transition to a zero carbon society.
* The Executive should bring forward a Climate Change Act to give environmental targets a strong legal underpinning.
* The Executive will establish an Independent Environmental Protection Agency to oversee this work and ensure targets are met.
* The Economic Strategy will support clean and inclusive growth and create jobs as part of a Green New Deal.
* The Executive will create a plan to eliminate plastic pollution.
* RHI will be closed down and replaced by a scheme that effectively cuts carbon emissions.

Certainly Climate Change is one of the most pressing problems facing all governments at the moment, and there is a great need for the Executive to take decisive action to address it. While not wanting to dilute the focus, it is important that the commitment of the Executive extends beyond this to address the range of issues outlined in the draft Environment Strategy and this paper.

The commitment to an Independent Environmental Protection Agency is also very positive, as was the overwhelming support expressed by MLAs on 3 February 2020 for its establishment within a year. NICCY would suggest that a range of different models is explored for this new Agency, including the ‘Future Generations Commissioner’ model employed in Wales.[[14]](#footnote-14)

In terms of environmental governance, there is a need for environmental targets specific to Northern Ireland. Despite the continuing failure of the Department for Infrastructure to monitor diesel emissions, 16 years after the UK-wide legislation following the relevant EU Directive, due to the lack of a specific target for Northern Ireland there has been no penalties. Given that the current environmental regulations set by the EU will need to be replaced due to the UK leaving the EU, it is critical that legislation is made placing specific duties and targets on the NI Executive relating to environmental protection.

**Q9. Do you agree that these are appropriate draft outcomes for the Environment Strategy?**

The six draft outcomes identified reflect many of the concerns outlined by children and young people with whom we have engaged. These are long term and ambitious, if a little vague. While these are helpful in this Discussion Document in articulating the general direction of the Strategy, it will be necessary in the Strategy to articulate more tangible targets, measures, and actions to deliver on these.

**Q10. What are your big ideas for the future protection and enhancement of the environment?**

At our event in November 2019 to celebrate the 30th anniversary of the UNCRC,[[15]](#footnote-15) among other activities, we asked children and young people to tell us their ‘Big ideas’ on environmental matters. Around 160 wrote down their ideas on ‘post its’, and the figure below provides an analysis of their suggestions. This also emphasises some of their key priorities for the future protection and enhancement of the environment.

As can be seen, there was a significant focus on reducing littering. It is NICCY’s experience that children are often very aware of the conditions in their communities, and are unhappy at the levels of litter they see. It would also appear that many of the comments regarding litter relate to litter ending up in oceans and its effect on marine life. Several children linked tackling litter with ‘Save the turtles’.

The second biggest focus of ‘big ideas’ was on using less plastic, particularly single use plastic and plastic straws. The idea of plastic as disposable was challenged by the young people. Linked to this was a focus on reducing consumption, and reusing and recycling goods.

They also had ideas to minimise the impact of travel on CO2 emissions, air pollution and climate change, including using more electric cars, banning petrol cars, limiting the access of cars in cities, and people walking more.

It was clear from several responses that the children felt strongly about the need to protect animals and prevent the loss of biodiversity, and many focussed on the need to protect forests, and to plant more trees.

They identified a need for Government to produce more reusable energy, to put in place laws to protect the environment, and to regulate the impact of business activities on the environment.

We also asked the NYP to provide input on their ‘Big Ideas’ in December 2019, and their suggestions are outlined below.

As would be expected, many focussed on halting climate change:

*For large companies, that produce large amount of CO2, cap the production and if they go over, must plant trees to make up for it – think Paris Agreement for planet.*

*Consider capitalist contributions to climate change, and how little they are talked about. Teach kids about evil money people. (NYP 2019)*

Others had ideas relating to researching new approaches to protecting the environment:

*Methane backpacks: Argentinian scientists developed a backpack to be placed on cows to collect methane emissions and use them as green energy.*

*Research Thorium-based nuclear power. Thorium waste is only dangerous for 100s of years, not 100s of 1000s. Thorium is 3 times as abundant as uranium. Thorium cannot be used to make nuclear weapons. Thorium is 100 times more energy efficient than uranium and 100 million times more energy efficient than coal.*

*More funding and education on renewable energy source research with nuclear and solar being the main contenders. Fission, while closest to implementation will prolong the problem rather than fix it. Fusion offers a better alternative but is currently highly experimental, solar is the main legitimately renewable solution. The sun is already pumping out all the energy we need, further research just needs to go into making solar panels capable of efficiently harnessing it. (NYP 2019.)*

Others focussed on green energy sources:

*Solar and tidal power.*

*Use of wave and tidal energy should be implemented.*

*Wind turbines. (NYP 2019.)*

And others provided ideas to reduce the impact of transport on the environment:

 *Encourage people to use public transport and lower public transport fees.*

*Low emission transport etc.*

*Improve public transport. (NYP 2019.)*

Water pollution and the impact on sealife was a concern for some:

*What about the sealife pollution? It’s fast growing and people aren’t educated enough when there is 500 tonnes of microplastic pollution in the UK in our rivers and Belfast is known for its harbour – for Titanic. So why should we let our rivers get so bad? (NYP 2019.)*

Several outlined the importance of reducing use of plastics:

*Opportunity to make environmentally friendly decisions eg products not in plastic.*

*Enforcing large companies to make more sustainable packaging.*

*Work to find reusable alternatives to plastic. (NYP 2019.)*

*Less plastic cups*

*Water bottle-less schools (NYP 2019.)*

Sustainable production and consumption, and recycling was mentioned:

 *Better recycling in businesses and schools.*

 *Bottle return reward scheme.*

*Sustainable clothing (NYP 2019.)*

And finally, some young people suggested planting trees and gardens:

*Rooftop gardens. Plant trees in urban areas.*

*Rooftop gardens. (NYP 2019.)*

**Q11. Do you have any other comments or contributions?**

Drawing on the information provided by the UN Committee on the Rights of the Child, and from the children and young people with whom we have engaged,

NICCY recommends the following:

The Northern Ireland Executive must take responsibility as a whole for the development and delivery of the Environment Strategy, and for responding to all the recommendations listed below.

**In developing the Environment Strategy, a thorough analysis of the relationship between children’s rights and environmental matters should be undertaken, informed by engagement with children and young people themselves and the report of the Committee on the Rights of the Child’s Day of General Discussion. The subsequent Strategy and legislation should place children’s rights at its centre and implement all the recommendations from the DGD.**

**There should be cooperation in the development and implementation of the Environment Strategy and the Children’s Strategy, in light of their shared responsibility in relation to children’s environmental wellbeing, and the duty placed on statutory bodies by the Children’s Services Cooperation Act 2015.**

**With the removal of EU regulations, Northern Ireland specific legislation should be designed to replace these, and indeed increase the environmental protections. Enforceable commitments and targets should be contained in this legislation relating to commitments set out in the Strategy, including in relation to CO2 emissions, pollution, recycling, and protecting biodiversity and green spaces. A clear legal commitment should be made to reduce air pollutions levels, especially in areas near schools and residential areas.**

**An independent environment protection agency should be established with sufficient powers to ensure accountability in protecting the environment. A range of different models for this should be considered, including the Future Generations Commissioner model implemented in Wales.**

**In all government actions taken in relation to the environment, the views of children and young people should be sought, and carefully considered in the decision-making process. There should be an on-going process of engaging with children and young people on environmental matters, due to their particular interest, their vulnerability to environmental harm, and the fact that they will have to live with the consequences of government actions for the longest.**

4.0 Conclusion

We trust that the advice provided above proves useful in the development of the Northern Ireland Environment Strategy, and the related legislation and structures. We would be pleased to meet with you to discuss further any points, and can advise on establishing processes to engage with children and young people on these matters.

We are currently in the process of finalising our three year Corporate Plan. When consulting children and young people on our draft plan, we received a clear message: we needed to include a new priority on children’s rights and the environment. We are therefore developing a new area of work, in which we will explore the inter-relationship of children’s rights and environmental matters with children and young people across Northern Ireland, and will support their engagement with decision-makers.

Please include NICCY in future engagement on the development of the Executive’s Environment Strategy, and the various associated commitments contained in the NDNA document. We would also like to meet with the Minister and government officials to explore how children and young people can be central to these developments and processes established to engage with them on these matters on an ongoing basis.

Appendix 1: Recommendations for states contained in CRC (2016) Report of the 2016 Day of General Discussion: Children’s Rights and the Environment.

### **General Recommendations**

* States must protect children against environmental harm that interferes with the enjoyment of their rights. Children’s specific vulnerability and social status within society imposes a heightened duty on governments and policy-makers to make sustained efforts to effectively protect children from such harm, strengthen their capacities, take their views and competences into account and provide access to effective and timely remedies.
* States should ensure children’s environment-related rights by realizing them in a sustainable manner such that they can be enjoyed by all current and future generations of children.
* States must ensure that all children have equal access to healthy and sustainable environments and nature. States must pay specific attention to the rights of children exposed to multiple factors of vulnerability as a result of environmental injustices, including girls, children with disabilities, poor children, and children belonging to indigenous or minority groups.
* States should take steps to prevent causing or contributing to transboundary environmental harm that affect the rights of children abroad.

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### **Legislation and policy**

* States should develop an enabling legal and institutional environment for adopting a sustainable development pathway that adequately reflects the rights of the current and future generations of children. National laws, policies and actions as well as international agreements on the environment (e.g. Nationally Determined Contributions/National Mitigation and Adaptation Plans) should explicitly include measures relating to children’s rights. In turn, laws, policies, and actions on children’s rights should explicitly consider environmental risk factors.
* States should consider the best interests of the child as a matter of primary consideration when designing, implementing and monitoring relevant environmental laws and policies related to e.g. climate change, prevention of early life exposures, or safeguards for large-scale development projects.

### **Regulation of the business sector**

* States’ obligation to adopt adequate legal and institutional frameworksto protect children’s rights extends to harm caused by businesses. In particular, States should require businesses to undertake due diligence in their operations and across supply chains with regard to the harmful effects of environmental degradation on children’s rights.
* Children’s rights should be integrated into national action plans on business and human rights, taking into account the business impact in the environmental context.
* States are encouraged to develop policies and plans (e.g. urban redevelopment plans) that support the transition to cleaner, more environmentally friendly business practices in line with children’s rights.
* States are encouraged to lead by example and require enterprises bidding for large public sector contracts to disclose the steps they are taking to ensure that their activities and those in their supply chain do not negatively affect children’s rights with regard to their impact on the environment.

### **Implementation and accountability**

* States should strictly implement, enforce and monitor regulations designed to protect children from environmental harm and strengthen supervisory bodies in this respect. National human rights monitoring mechanisms should take into account the rights of the child in relation to a healthy and sustainable environment.
* States should take multi-sectoral action to protect children’s rights from environmental harm and enhance cooperation and coordination among relevant actors including health professionals, the environmental, education, labour, urban planning, transport, extractive, energy, and agricultural sectors.
* States should incorporate their child rights obligations when implementing relevant multilateral environmental agreements and policy frameworks. This should include the development of child-specific operational programmes, tools, technical assistance and capacity-building materials.
* States should set aside sufficient resources for the protection of children’s rights in the environmental context.

### **Reporting**

* States should incorporate the implications of environmental harm on the full enjoyment of the rights of the child in their Periodic Reports to the Committee, as well as the steps they are taking to ensure that children’s rights are protected against such harm. This should extend to reporting on their efforts to consider child rights in the context of their action under relevant international environmental frameworks.
* States should also consider children’s rights in their environmental reporting totheUNFCCC (e.g. national communications, Adaptation Communications), international agreements on chemicals and wastes and in reporting on implementation of environmental targets under the Convention on Biological Diversity and the SDGs.

### **Ensuring a healthy environment**

* States should take effective measures to prevent childhood exposure to environmental harm, including through development of specific legislation and effective business regulation, and ensure access to health care for treatment. State Parties should adopt the precautionary approach in the face of uncertainty regarding children’s environmental health risks. It is recommended that States cooperate internationally on regulating all toxic chemicals that are potentially harmful to children.
* States should take more active measures - guided by the rights and best interests of the child - to implement environmental health standards, indicators, definitions and age categories set by the WHO and other relevant international bodies.
* States should develop a national plan to monitor children’s environmental health, conduct an assessment of risks, identify priority concerns, including children in vulnerable situations, and develop and implement measures to address those priority concerns (e.g. timely clean-up of contaminated sites). States should ensure that health professionals receive training in diagnosis and treatment of health impacts related to environmental harm.
* States should prohibit and eliminate hazardous labour practices where child workers are exposed to environmental risk factors, promote safer alternatives and ensure monitoring of children affected. States should ensure that children receive necessary treatment and compensation for any harm incurred. States should also protect the rights of parents to safe work, especially women and girls of reproductive age.

### **Ensuring a sustainable environment**

* States should adopt and implement approaches and strategies, and establish legal frameworks for the protection of biodiversity, ecosystems services and natural resources that accord with international standards and plans and ensure the ability of current and future generations of children to exercise their rights to life, survival and development, to be heard, to health, food, water, participation in cultural life, an adequate standard of living, information and education. In particular, States should understand their obligations to respect and protect children’s rights against global climate change. Such protection requires urgent and aggressive reductions in greenhouse gases, guided by the best available science.
* States should ensure that all children and their families and communities have equitable access to the benefits of natural resources and healthy environments, and ecosystems. States must do more to protect the rights of children from communities that have close material and cultural ties to their territories and are most vulnerable to environmental degradation.

### **Ensuring child-friendly play environments**

* Municipal planning should place a priority on enabling access to environments which increase all children’s freedom to play, be active and independent within their community. This can include creating zones with priority for pedestrians or cyclists over motorized traffic in roads of family housing or play streets outside schools; inclusive parks and playgrounds; access to landscaped green areas, open spaces, “wildlands” or nature; and overall greater “walkability”. Furthermore, States should consider the need to orientate planning and regulations in areas that are not generally recognised as relevant for children towards ensuring the play- and child-friendliness of all environments.

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### **Ensuring a connection with the natural world**

* States should take steps to ensure through policies, strategies and actions in the area of environmental protection, urban planning, health, education etc. the ability of children tointeract with natureas an underlying determinant of their rightsto health and development, including the development of respect for the natural environment.

### **Environmental information and research**

* States should recognize children’s and their parents’ right to know about environmental risks as central to the enjoyment of their human rights and freedoms, and ensure the availability of and access to adequate and age-appropriate information on matters related to children’s rights and the environment.
* States should strengthen efforts to research and monitor childhood exposure to environmental harm in all countries, and particularly for those in developing countries and high-risk situations. In this context, States should inter alia
	+ ensure that all children are equally represented in monitoring and policy-relevant research, in particular vulnerable groups of children. It is recommended that States design inclusive programmes for actively involving children and parents in research and monitoring;
	+ collect robust exposure data taking into account children’s vulnerabilities and rights, and real-life conditions (‘actual exposure’);
	+ undertake longitudinal studies that explore linkages between environmental harm and child rights impacts over time (e.g. disease that may set in later on in children’s lives), and other studies of pregnant women, infants, and children that capture exposures at critical windows of development;
	+ generate and collect information on underexplored issues such as the links between children’s rights and biodiversity, ecosystems or access to nature;
	+ promote the integration of information related to environmental and social determinants of children’s health and development throughout time, while ensuring data protection.

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### **Impact assessments**

* States should take explicit account of children’s rights in assessments of laws, policies, action plans (strategic environmental assessments) and projects (environmental impact assessments), which are likely to have an impact on the environment. This includes recognizing children as a stakeholder group, adequately considering their rights, risks and vulnerabilities and addressing actual and potential impacts.

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### **Environmental education**

* States have a duty to promote the development of respect for the natural environment as enshrined in Art.29(1)(e) of the CRC. To this end, States should elaborate specific policies that include the views and proposals of children with a view to promoting their rights and educating young citizens. Teachers’ training programs should adequately reflect the implications of rights-based environmental education.
* States should work on meaningful implementation of Art. 29(1)(e) of the CRC at every education level from early on. In this respect, States should consider non-formal educational tools such as outdoor activities and field trips, and where relevant, include traditional knowledge. Curriculums should be frequently updated to be responsive to rapidly changing environments. States are encouraged to promote direct involvement of children in environmental protection as a crucial component of their learning process and an exercise in social practices that constitute civic participation.
* States should consider Art. 29(1)(e) of the CRC when implementing and reporting on SDG 4 (Target 7), SDG 13 (Target b) of the 2030 Agenda for Sustainable Development, Article 6 of the UNFCCC/Article 12 of the Paris Agreement (Action for Climate Empowerment) and educational measures under other MEAs (e.g. Aichi Biodiversity Target 1).
* States Parties should inform the Committee during their Periodic Reviews about what specific steps they take to give effect to Article 29(1)(e) of the CRC within their national education systems. In doing so States should specify how these measures raise children’s awareness of their rights and responsibilities with regard to the environment, instil an environmental stewardship ethic, impart the skills children need to become environmental agents and promote equal opportunities for all students to become actively involved.

### **Freedom of expression and participation in environmental decision-making**

* States should ensure that all children, including younger children, are given opportunities to participate in discussions on the impacts of environmental issues and should build children’s meaningful participation into environmental policy-making at all levels.
* States should consider establishing specific child-friendly platforms for environmental participation and peer sharing and learning. For example, States should develop innovative mechanisms to allow children to be recognised as stakeholders with a right to be heard in decision making in the UNFCCC, CBD COPs etc., and to be involved in the design and delivery of projects related to climate change adaptation and mitigation, disaster risk reduction, or nature conservation.
* States should provide a safe and enabling environmentfor activists defending environmental rights, and owe a heightened duty of care to activists below the age of 18.

### **Access to justice in environmental matters**

* States are encouraged to enshrine a justiciable right to a healthy environment and the principle of intergenerational equity in domestic law.
* States should ensure that children have access to justice and an effective remedy for violations due to environmental harm, including remediation of contaminated sites, preventative and precautionary measures, access to necessary medical and psychological care, and adequate compensation. In this context, States should rebalance the burden of proof and rules of evidence to remove barriers to bringing complaints of environmental harm involving children.
* States should establish collective and public interest action mechanisms, including for environmental cases, that can provide remedies to all children affected by large scale environmental damage but do not require all affected children to be directly involved in proceedings.
* States should ensure NGOs and children have standing to file and intervene in legal proceedings in the interests of children affected by violations of their environmental rights and on behalf of future generations.
* States should support specialised and responsive justice sector professionals, civil society groups and legal mechanisms to provide legal representation to safeguard the rights and interests of children in relation to the environment. States should consider establishing environmental courts to facilitate better access to justice.
* States should enable access to effective judicial and non-judicial mechanisms to provide remedies for children and their families whose rights have been violated by environmental impacts abroad, including private enterprises extraterritorially when there is a reasonable link between the State and the conduct concerned.
* States should mandate national human rights institutions and/or ombudspersons for children to receive complaints on environmental issues that interfere with children’s rights.
1. Committee on the Rights of the Child (2016), [Report of the 2016 Day of General Discussion: Child Rights and the Environment](https://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2016.aspx), (Geneva: OHCHR) p11. [↑](#footnote-ref-1)
2. Ibid, p6 [↑](#footnote-ref-2)
3. BMJ 2019;365:l1767 [↑](#footnote-ref-3)
4. CRC/C/GBR/CO/5, 3rd June 2016. [↑](#footnote-ref-4)
5. Committee on the Rights of the Child (2016), Report of the 2016 Day of General Discussion: Child Rights and the Environment, (Geneva: OHCHR). [↑](#footnote-ref-5)
6. Ibid p4. [↑](#footnote-ref-6)
7. The impact of concern about environmental degradation on children and young people’s mental health is becoming widely recognised and is now being referred to as ‘Eco anxiety’. (NYP 2019) [↑](#footnote-ref-7)
8. NYP 2019 [↑](#footnote-ref-8)
9. Committee on the Rights of the Child (2016), Report of the 2016 Day of General Discussion: Child Rights and the Environment, (Geneva: OHCHR), p4. [↑](#footnote-ref-9)
10. These notes were made of the discussion with the NYP in 2016. [↑](#footnote-ref-10)
11. Department of Education (2019), Children and Young People’s Strategy 2019-2029: Working together to improve the well-being of children and young people, and to achieve positive, long-lasting outcomes, p75. [↑](#footnote-ref-11)
12. New Decade, New Approach, (January 2020), p8 [↑](#footnote-ref-12)
13. Ibid, pp43-44. [↑](#footnote-ref-13)
14. <https://futuregenerations.wales/> [↑](#footnote-ref-14)
15. See [NICCY webpage](https://www.niccy.org/about-us/childrens-rights/uncrc-at-30/) for more information. [↑](#footnote-ref-15)