



Children's Right to a Healthy Environment
Submission by Human Rights Watch
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Human Rights Watch appreciates the opportunity to provide a submission to the Office of the High Commissioner for Human Rights on children's right to a healthy environment, in advance of its 2020 annual full-day meeting on the same topic.

The impact of environmental degradation and pollution on children's rights (question 1)

For over a decade, Human Rights Watch has documented how governments have failed to protect children from environmental harm.

Exposure to toxic substances

Human Rights Watch has documented children's exposure to hazardous substances in many contexts. Around the world, children are exposed to hazardous substances while playing, bathing, going to school, eating, drinking, or working. Many hazardous substances have particularly harmful consequences for children, whose developing bodies absorb them more readily than those of adults and are especially vulnerable to certain toxins, leading in some cases to irreversible long-term damage, disability, or even death.

Children's exposure as result of business activity

Business activity has been the source of significant environmental damage that harms children through pollution of air, soil or water, and other pathways of exposure. Governments often fail to regulate companies sufficiently. For example, children living near or working in leather tanneries in Bangladesh have been exposed to chemicals that flowed off tannery floors into open gutters of nearby streets, and had severe health problems as a result. Smelters or battery factories have caused lead poisoning in children in China and Kenya; yet, protests by parents have sometimes been met with government repression. In agriculture, children have been exposed to harmful fertilizers and pesticides in Brazil, Zimbabwe, Indonesia, the United States, and Israel/Palestine.

Children's health has also been severely affected by exposure to chemicals from large-scale and small-scale mining operations. In Zambia and Kosovo, children living near former industrial lead mines have suffered from lead poisoning as a result, and in some cases died. In small-scale gold mining regions in Mali, Ghana, Tanzania, the Philippines, and elsewhere, children have been exposed to toxic mercury used to process gold, and in some cases developed symptoms that are consistent with mercury poisoning. And in one of the worst environmental health disasters in recent years, over 400 children died in Nigeria in 2010 from exposure to lead-contaminated dust produced inadvertently during artisanal and small-scale gold mining.

Hazardous substances in water supply systems

In several countries that Human Rights Watch investigated, governments have failed to protect children from hazardous chemicals in the soil, groundwater, or water supply system. In Bangladesh, millions of children have been exposed to harmful arsenic via well water. In Canada, Indigenous communities have been exposed to water containing naturally occurring uranium, *E.coli*, or coliform, as a result of systemic water and wastewater challenges facing First Nations, including lack of regulations to protect drinking water on reserves. In Harare, Zimbabwe, Human Rights Watch found that children were at risk of contracting dangerous waterborne diarrheal diseases as they were drinking water from shallow, unprotected wells that are contaminated with sewage. In Basra, Iraq, government failure to ensure sufficient safe drinking water has resulted in an acute water crisis that sent at least 118,000 people to the hospital in 2018, and that has not been solved.

Climate change

Human Rights Watch has documented government failures to address climate change, its impact on the realization of children's rights, as well as human rights violations in the context of coal mining and deforestation—two drivers of climate change.

Child rights impacts of climate change

Government inaction on climate change impacts children's rights to life, water, food, and health. Children from Indigenous communities are often particularly vulnerable to climatic changes because their culture and livelihood is tied to their land, and such marginalized groups typically lack the resources and government support to adapt to climate change impacts.

In Kenya, Human Rights Watch found that climate change has limited local Indigenous communities' access to food and clean water and contributed to children's ill-health. Girls often have to walk long distances to find water, exposing them to dangers along the route and leaving them with less time to attend school or rest. In Bangladesh, families have arranged child marriages for their daughters under 18 in part because of extreme poverty, compounded by natural disasters that are linked to climate change. In Brazil, where climate change is likely to increase the spread of mosquitos carrying vector-borne diseases, the government has responded inadequately to the outbreak of the Zika virus.

Coal mining and deforestation

Children have suffered serious human rights violations in the context of coal mining and deforestation. In the United States, the government has failed to mitigate health risks associated with mountaintop removal, a form of coal mining, by protecting streams from mining pollution. In South Africa, coal mines and coal-fired power plants have contributed to air pollution that threatens the health of local communities, particularly children. In Malawi, residents living near coal mines have faced forced resettlement and harmful impacts on their livelihood; health information about coal mines has been kept secret. In Brazil, the government has largely failed to act against criminal networks responsible for deforestation, including forest fires. Deforestation robs Indigenous peoples and local communities of their livelihood and the forest fires can cause serious health issues among children. In Indonesia, Indigenous peoples have lost ancestral forests to oil palm plantations, resulting in violations of their rights to livelihood, food, water, and culture.

Inadequate regulation of the coal industry and the failure to prevent deforestation risk undermining government commitments to reduce greenhouse gas emissions, thereby further threatening the realization of children's rights.

Examples of good practice towards ensuring children’s rights to a healthy environment, including child participation (questions 2 and 5)

Human Rights Watch has come across initiatives that appear promising. Here are some examples:

- The recent youth movement for climate activism has managed to shift the debate over climate change in many countries. For example, in Germany, it helped push the government to decide upon a series of mitigation measures.
- In the Philippines, the government launched an initiative to withdraw child laborers between the ages of 15 and 17 from small-scale gold mining and offered them vocational training in the tourism sector. The government, the International Labour Organization (ILO), and a local nongovernmental organization (NGO) partner also set up a mercury-free and child labor-free gold mining operation called “Compassionate Gold.”
- In Zambia, a local NGO supported the creation of youth groups and school youth clubs that inform residents about environmental risks and have participated in a home remediation program that served as pilot for a larger World Bank program. The youth group is also regularly on the radio and has engaged with local officials over pollution concerns.

Laws and other measures to ensure companies do not harm the environment or contribute to child rights abuse—as well as challenges in this regard (questions 3 and 4)

- *Due diligence laws:* France has adopted a law requiring companies to conduct human rights due diligence in their global supply chains, including children’s environmental health rights. The Netherlands in 2019 passed a law for child labor due diligence, which has the potential to protect children from child labor-related toxic exposures.
➔ Challenge: Most countries do not have mandatory human rights due diligence laws
- *Access to information laws:* In 2017, Malawi adopted a law that enables people to request and obtain vital information such as water-quality testing results. In the Philippines, a newspaper has used a freedom of information law to obtain publication of a government report on mercury poisoning of local communities at a former mercury mine site.
➔ Challenge: Some countries lack functioning freedom of information laws; some do not have any such laws altogether.
- *Court action:* In a Chile court case over air pollution, the Supreme Court ruled that the administration had neglected the health and well-being of the region’s residents for years, resulting in violations of people’s rights to life, health, and a pollution-free environment. A court in Thailand has ruled that the company responsible for lead pollution in Klity Creek has to pay for its cleanup. The country’s Supreme Administrative Court has also ordered the government’s Pollution Control Department to pay approximately US\$125,000 in compensation to plaintiffs affected by the toxic legacy.
➔ Challenge: Some court rulings remain unenforced.
- *Government regulation of businesses:* Laws in the United States require high-risk industries to provide financial assurances to ensure they have the resources to clean up potential pollution. Brazil has prohibited all work by children in tobacco, largely because

of the risk of exposure to hazardous substances, and established penalties for farmers and companies purchasing the tobacco, creating an incentive for the tobacco industry to ensure that children are not working on farms in their supply chains.

→ Challenge: Government regulation is very lax in many countries and sectors. One example is that the US default body weight for regulating drinking water contaminant levels is 80 kilograms, the mean adult weight. Regulations should be set to ensure drinking water is safe for babies.

- *Close coordination of institutions dealing with child rights, labor rights, environment, health, and business when formulating policies:* A recent [ILO project](#) on child labor in small-scale gold mining brought actors from these different spheres together and facilitated coordination this way.
 - Challenge: There is frequently a lack of coordination among UN agencies dealing with environment or child rights, as well as among agencies and ministries on the national level. As a result, laws and policies on the environment do not always consider child rights, and vice versa.

Monitoring of environmental risks to children (question 6)

In the countries where Human Rights Watch has done research, we found that environmental risks to children are being poorly monitored at the national level. This is particularly concerning because health effects may not be manifest for years after exposure, or exposure to carcinogens or climate change occurs slowly. Accountability can also be hampered by the lack of solid data.

Recommendations to States:

- States should review their environmental laws, standards, policies and programs to determine if they reflect their obligations under the UN Convention on the Rights of the Child, and take into account the ways in which children are more susceptible to environmental harm, and amend (if necessary), implement and enforce them.
- States should strengthen childhood exposure-monitoring efforts, particularly for those living in extreme poverty or in low-income, minority, indigenous, stateless, migrant, or refugee communities. States should also establish population-based surveillance systems for adverse health impacts linked to the environment and strengthen regulatory agencies and ministries responsible for the oversight of standards relevant to children's rights, such as health, consumer protection, education, environment, food, and labor. (See similar [recommendations](#) by the UN Special Rapporteur on toxics and human rights.)
- States should publish and disseminate disaggregated information on the result of monitoring and surveillance, and develop tailored environmental education and information programs.
- States should ensure that businesses respect the rights of the child in the environmental context and comply with the General Comment 16 by the UN Committee on the Rights of the Child.
- States should make the necessary arrangements to facilitate public participation in decision-making on the environment, with a particular emphasis on ensuring meaningful participation of children.