



THE RIGHT OF CHILDREN IN ENVIRONMENTAL CRISES FROM THE PERSPECTIVE OF INTERNATIONAL HUMAN RIGHTS LAW

SHADI MOHAMMADI¹ | ALI MASHHADI²

1 Ph. D. Candidate in Public International Law, Faculty of Law, University of Qom, Qom, Iran.

E-mail: shadi.mohammadi@stu.qom.ac.ir

2 Associate Professor, Public and International Law Department, Faculty of Law, University of Qom, Qom, Iran.

E-mail: mashadiali@yahoo.com

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ABSTRACT

Environmental crises affect children's rights to such an extent that they can be boldly referred to as children's rights crisis. There are a variety of environmental crises, including air, water and soil pollution, destruction of ecosystems and resources, toxic pollution, the spread of infectious diseases, ozone depletion, rising greenhouse gases and so on which adversely affect various aspects of children's basic rights including right to life, right to health, right to education, right to welfare and adequate living standards, right to healthy nutrition and their cultural rights. The present paper seeks to explore the rights of children in environmental crises from the perspective of international human rights law (IHRL). Finally, the findings of this article indicates that, states and large corporations, which have the largest share in creating environmental crises, also have the greatest responsibility. Now, when environmental damage directly and/or indirectly violates the rights of children and governments are directly or/and indirectly involved in creating them, it makes sense to consider them committed to resolving environmental crises and guaranteeing children's rights. To this end, states should take effective action, including reducing greenhouse gas emissions, preventing ecosystem degradation, preventing pollution and global warming, respecting the right of children to be heard, guaranteeing the right to freedom of expression and association, and involving them in environmental decisions.

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Introduction

Children have the least responsibility for making environmental changes but they are most affected by it. Climate change is a direct threat to a child's ability to survive and grow. Severe weather events such as hurricanes and floods have also affected their lives and endangers their health Including the spread of infectious diseases such as cholera, to which children in particular are very vulnerable. On the other hand, drought and changing rainfall patterns have caused food shortages and increased prices, and can cause insecurity and long-term food deprivation for children. By 2040, almost 600 million children are projected to be living in areas of extremely high-water stress.¹ Air pollution is another threat to the lives of millions of children. Nearly two billion children live in areas where air pollution levels exceed global standards. Climate change is also affecting children's learning Such as the destruction of schools or the destruction of transportation infrastructure and access to educational centers due to events including floods and earthquakes. Another interesting point is that recently it has been proven that increasing the temperature even affects the learning ability of children and reduces it.

These effects on children's rights, when combined with poverty and deprivation, have more deplorable consequences. Poverty alone makes it difficult to access welfare and health necessities now if mixed with the environmental crisis, it will be much more complicated. Today, 400 million children live in areas at high risk of flooding and about 50 million children in areas affected by drought and in countries where more than half of the population lives below the poverty line, climate change is exacerbating these crises.

In a report published in January 2018, the UN Special Rapporteur named a list of environmental harms that directly violate the rights of children which can be placed in 5 general categories:²

- Air pollution
- Water pollution

1 . UNICEF, An Environment Fit for Children, UNICEF's Approach to Climate Change, (2019), <https://www.unicef.org/media/73331/file/An-Environment-Fit-for-Children-2019.pdf>

2 . A/HRC/37/58, John H. Knox, Report of the Special Rapporteur on children's rights and environmental protection (2018), <https://daccessod.un.org/TMP/2866833.50801468.html>

- Climate change
- Contamination of toxic and chemical substances
- Loss of biodiversity and access to nature

Each of which has been the subject of a number of global and regional agreements and some of which have brought obligations to member states including Paris Agreement, Basel Agreement, Ozone Layer Convention, Climate Change Convention, etc.

This article tries to answer some important questions:

- How does environmental crisis change international children's rights?
- What are the responsibilities of states in guaranteeing and respecting the rights of children in environmental crisis?

For this purpose, first the civil rights of children in environmental crises and then their cultural and social rights are examined and finally examine the responsibilities and obligations of governments in this regard.

1. The Civil Rights of the Child in Environmental Crisis

Environmental hazards from pregnancy to childhood and adolescence and adulthood affect human health and growth. Growth disorders at an early age due to environmental factors can overshadow a person's quality of life for the rest of life. That is why it is so important to pay attention to this. Adverse environmental conditions and pollution are a very important factor in death, incapacitation and disability of children, especially in developing countries. Children are much more vulnerable than adults, especially in the face of certain environmental hazards such as air pollution, water pollution, chemical pollution, hazardous waste, climate change, as well as emerging threats such as electronic waste. Unfortunately, this fundamental right of children to a healthy environment is today being violated a million times over: owing to environmental degradation and the exploitation of nature, countless children have no access to clean drinking water or to safe food. Many children suffer under environmentally unacceptable living conditions and are constantly exposed to pollution harmful to health. The opportunity to grow up in a healthy and safe environment is extremely unjustly distributed: between North and South, rich and poor. Without a realignment of political, legal and economic conditions this situation will not fundamentally change. On the contrary, the increasing exploitation of natural resources and degrading or destruction of ecosystems will make a healthy environment a scarce commodity, which very few children will be able to enjoy in future.¹ Reducing environmental risks can prevent the death of one in four children in the world. In 2012, about 1.7 million children under the age of 5 lost their lives due to environmental hazards.²

1.1. The Right to Life

According to the World Health Organization, environmental hazards are the biggest threat to children's lives, and no group is so affected by the consequences of environmental pollution.

1 . Jonas Schubert, Translator Elaine Griffiths, Protecting Environmental Child Rights, P3 (2013), retrieved from https://www.terredeshommes.org/wp-content/uploads/2013/01/tdh_Environmental-Child-Rights_2012-11-final.pdf

2 . WHO, Children's environmental health (2012), https://www.who.int/health-topics/children-environmental-health#tab=tab_3



Approximately 1.7 million of the 5.9 million deaths of children under 5 - more than a quarter - in the world due to environmental damage are easily preventable. Air pollution alone kills about 550,000 children under the age of 5 worldwide due to respiratory infections such as pneumonia.¹ Other major causes of child mortality, including malaria, diarrhea, and injuries such as poisoning, falls, and drowning, are directly or indirectly related to environmental damage. Such as exposure to hazardous chemicals, toxins and waste, polluted water and climate change.

It has been proven that children are more vulnerable to environmental damage than adults. Nervous systems and organs such as the lungs and respiratory system are still small and growing and have less resistance to toxic and polluted air or airborne diseases. On the other hand, playing them in open environments and activities such as putting hands in mouth and not having enough understanding of the dangers of environmental pollution, complicates the situation and makes children more vulnerable.

E-waste is another serious health and environmental problem that threatens millions of children, young people, adolescents and expectant mothers. These are people who work in dangerous conditions to recover precious metals to earn a living to support themselves and their families.² This exposes them to hazardous chemicals, heavy metals and toxic air. E-waste pollutes the air of communities, schools, homes, air and soil. Therefore, it is necessary to quickly identify the issue of pollution from electronic waste as an acute health problem. Accordingly, the World Health Organization's duty is to make the information and tools at its disposal available to all, to raise awareness, and to support policies that protect and secure the lives of children and women.

Undoubtedly, analysis of the methods of exposure to environmental contaminants with consequent health effects at various periods of development is a crucial requirement to define a child-protective framework of risk assessment and stratification. In addition, we cannot forget that although genetic factors can contribute to non-communicable diseases, exacerbated also by combined influence of stress and other lifestyle habits, their rapid increase suggests that there may be other dynamics involved, probably linked to the environment, thus suggesting that it becomes necessary to identify, understand, and if possible prevent, variables that can alter the perinatal environment by increasing the susceptibility and the risk to develop pathologies in the long term.³

Additionally, one of the most famous environmental crises is the thinning of the ozone layer. The thinning of the ozone layer is one of the most important factors that lead humans to be exposed to more harmful rays of the sun. According to official statistics every year, between two and three million new cases of non-melanoma skin cancer and more than 130,000 new cases of melanoma skin cancer are emerging worldwide. Of these, about 66,000 deaths occur from melanoma and other skin cancers. Many of these skin cancers are caused by the sun's ultraviolet

1 . UNEP, children' right and the environment, (2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/34181/CRE.pdf?sequence=1&isAllowed=y>

2 . WHO, Massive Open Online Course On E-waste-Launched by UN and partners to galvanise action for better managing this expanding source of hazardous waste,(2020), <https://www.who.int/news/item/28-02-2020-massive-open-online-course-on-e-waste>

3 . Francesca Mastorci and Others, Environment in Children's Health: A New Challenge for Risk Assessment, Para 2, Published online (2021) Oct 4. doi: 10.3390/ijerph181910445



(UV) rays.¹Children are disproportionately and severely affected by this damage, both because they are more vulnerable and because they are more likely to be exposed to these rays.

It seems that environmental crisis including air, water and land pollution, toxic substances, ozone depletion and ecosystem destruction first of all endanger human life especially children and this means the violation of the first and most fundamental human right, the right to life.

1.2. The Right to Health

Environmental degradation, climate change, exposure to pollution and toxic substances are an immediate challenge that affects the rights of children now and for generations to come. Children are exposed to environmental damage due to their constant physical and mental development. They are exposed to the immediate and long-term effects of climate change and exposure to toxins and pollutants that cause disease, disruption and death. These effects are often irreversible and violate a child's rights to health, life, growth, health, food and water.

Approximately one-third of the world's children - about 800 million children - have lead levels above 5 micrograms per deciliter in their blood. The level declared by the World Health Organization and the US Centers for Disease Control and Prevention as the permitted level of lead. Lead is a potent neurotoxin that causes irreversible damage to children's brains. This is especially dangerous for children under the age of 5 and infants because their brains are damaged and suffer lifelong neurological, cognitive and physical damage before they have a chance to grow fully. Childhood lead exposure is also associated with mental health and behavioral problems and increased crime in children.² Also the relationship between environmental pollution and morbidity and mortality from neoplasms and respiratory diseases has been demonstrated in various epidemiological studies. More recently, an association between environmental data and chronic degenerative diseases has been documented, including cardiovascular disease.³

To protect children and prevent problems with lead contamination, they should be kept away from high-risk areas in the first place. Another way is to reduce children's exposure to lead-containing products, including removing lead from paint and gasoline compounds in countries that still use lead. Environmental Declaration of 8 Countries (France, Italy, Japan, Spain, China, Portugal, Russia and Germany) on Child Environmental Health (G8 Ministerial Meeting) 1997 described child poisoning as a major threat to children's health and believes that one of the most important commitments of governments in ensuring the right of children to health is Reducing the impact of environmental hazards on children, monitoring their blood lead levels, as well as implementing and promoting the OECD Declaration on Reducing Risk Internationally.⁴

Most of the disease of children under 5 years old is caused by destructive environmental effects such as air and water pollution ... and only by taking a comprehensive approach to these

1 . WHO, Children Suffer Most from the Effects of Ozone Depletion (2003), <https://www.who.int/news/item/16-09-2003-children-suffer-most-from-the-effect-of-ozone-depletion>

2 . UNICEF, The Toxic Truth, (2020), <https://www.UNICEF.org/reports/Toxic-Truth-Childrens-Exposure-To-Lead-Pollution-2020>

3 . Marabotti C and others, Ecological study comparing neighboring areas with substantial differences in environmental pollution, *Int. J. Occup. Med. Environ. Health.* (2017); 30:641–653, doi: 10.13075/ijomeh.1896.00972

G7 Environment Ministers' Meetings. "1997 Declaration of the Environment Leaders of the Eight on Children's Environmental Health" <http://www.g8.utoronto.ca/environment/1997miami/children.html>



destructive factors, significant progress can be made in preventing and reducing its effects on children's health. Such an approach means the participation of all sectors and at all levels of society, including individuals, institutions, municipalities, politicians and health and environmental professionals. With immediate and decisive action against climate pollution, safe disposal of toxic substances and chemical wastes, disclosure of information and improvement of water quality and environmental health, most environmental hazards and harms on children can be prevented. It is clear that only in healthy environments can children grow up and enjoy their full rights.

2. The Social and Cultural Rights of the Child in Environmental Crisis

Environmental crisis not only affect children's basic and civil rights, but also other aspects of their lives. According to Articles 9 and 20 of the Convention on the Rights of the Child, all children have the right to live with their families and parents, and this right must be recognized while one of the indirect consequences of the destruction of ecosystems and the environment is the displacement of families and the separation of children from their parents. A lesser-known issue is the trauma that children experience as a result of the loss of loved ones and their families and homes. Home and family that may be torn apart due to severe climate change.

Also, certain groups of children, including children with disabilities, the poor and the natives, are affected more than others, because their families often do not have the necessary and sufficient ability to compensate the material and spiritual damage to them, and sometimes they are even deprived of simple health facilities and equipment.

On the other hand, children are always in a weak position when it comes to environmental issues. They often do not have access to basic information and transformational and quality training in this area and there are rarely mechanisms for children to participate in decision-making. For example, in dam projects, road construction or mining projects that mainly affect their lives, none of the necessary considerations related to children are considered. Even when children talk or protest about the impact of environmental issues, they may face severe criticism, intimidation, harassment, revenge, and violence from officials or corporations.¹

Children also face major problems in receiving compensation for violations of their rights caused by environmental damage. The UN Special Rapporteur on Toxic Pollution has referred to this issue. For example, children or their family are responsible for proving that a chemical has harmed children, which is often very difficult to prove.² For this reason, in the first step, the obligation of governments to prevent children from being contaminated with chemical pollutants is very important.

2.1. The Right to Education and Cultural Rights

Under Article 28 of the Convention on the Rights of the Child, States undertook to recognize the right of children to education. The right to education as a principle of human rights in the field of

1 . UNHRC, RES 40/11, (2019), The UN Human Rights Council has called on States to "provide a safe and enabling environment for initiatives by young people and children to defend human rights relating to the environment"

2 . A/HRC/33/41, (2016), UN Special Rapporteur on Toxics and Human Rights, Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Para12 <https://www.undocs.org/A/HRC/33/41>



children, including rights such as the right to access educational facilities, the right to quality and standard education, respect for the dignity of the child, education without discrimination in all stages of childhood, the provision of educational facilities and equal opportunities in education.¹

According to a report released by UNICEF in 2019, climate change is also affecting children's right to education including the destruction of schools or the destruction of transportation infrastructure, access to educational facilities due to events such as floods and earthquakes. Another interesting point is that it has recently been proven that rising temperatures even affect and reduce children's learning ability.²

For this reason, it is said that beyond children's life and health, climate change and related challenges, such as biodiversity loss and ecosystem loss, pose another type of threat to children's rights. The destruction of schools and children's homes is a gross violation of the right to education and a sufficient standard of living. Children who are displaced because of this and are forced to move away from their families are at increasing risk. Such as exploitation, violence, sexual abuse and. Also, the destruction of ecosystems and the loss of biodiversity alone can foster livelihoods, deprivation and inequality among children, and potentially lead to forced migration especially in the case of traditional life, which is highly dependent on land and climate.

Interestingly, environmental crises also damage children's cultural rights³. Lack of access of children to green and safe spaces in cities and interaction with the natural world, deprives them of the right to play and entertainment, and overshadows their social, mental, emotional and physical health and a serious obstacle to their progress and development.⁴

2.2. The Right to Freedom of Expression and the Right to be Heard

Among the rights recognized for children in the Convention on the Rights of the Child are the right to freedom of expression (Articles 12, 13) and the right to freedom of association (Article 15). According to it, on one hand children have the right to comment on all issues that concern them and to express their wishes and, on the other hand, governments are obliged to respect and guarantee these rights. To this end, opportunities should be provided for children to be able to participate in each of the stages of the judicial and administrative proceedings to exercise their rights directly or through a representative.

“The right of children to be heard and to express themselves freely” is a new concept in international law that has challenged many countries around the world since its advent. Because until then, the culture of listening to children was not pervasive or even acceptable. Over the past twenty years, many governments, along with civil society and organizations, have begun to grapple with this new concept

1 . Thomas Tanner, Mercedes Garcia, Jimena Lazcano, Fatima Molina, Jesusa Molina, Gonzalo Rodríguez, Baltz Tribunalo, Fran Seballos, 'Children's participation in community-based disaster risk reduction and adaptation to climate change' (2009) Participatory Learning and Action 54.

2 . UNICEF, an Environment Fit for Children, UNICEF's Approach to Climate Change, (2019), <https://www.unicef.org/media/73331/file/An-Environment-Fit-for-Children-2019.pdf>

3 . Davis J. Young children, environmental education and the future. Education and the environment, (1998), 141-55.

4 . UNEP, children's right and the environment, (2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/34181/CRE.pdf?sequence=1&isAllowed=y>



of recognizing children as citizens, participants, and decision-makers in their lives and in society.¹

In the field of environmental issues and crises, in recent years, children around the world take part in climate change protests, shouting that the environment is important for their life and survival. This is an important and clear message from children to the world's governments and politicians to take more effective measures for the citizens of their countries and the world to protect the climate. Children consider this right in the context of freedom of expression and the right to be heard for themselves. In many cases, the views, interests and rights of children in the field of environmental decisions have not been fully heard, and this is a reason for the unfavorable and inefficient of some of the results of these decisions.

This global movement, backed by children and youth, who have become the main defenders of environmental rights today, has led to numerous lawsuits. Including 16 children who have lodged complaints with the Committee on the Rights of the Child against five major exporting countries (Argentina, Brazil, France, Germany and Turkey) for their failure to protect children's health and well-being in response to climate change.²

According to a report submitted to the Committee on the Rights of the Child by the United Nations Environment Program in 2020, to clarify the various relationships between environmental rights and children's rights, it is vital to consider the wants and needs of children in macro-environmental decisions.³

As well as ever since children and young people around the world turned to the judiciary for the right to be heard and to seek redress for their rights in relation to environmental issues, they have called for the protection of their fundamental and vital rights. And challenged governments and international institutions, Many related organizations and civil society supported them and helped make them more heard, Including the United Nations Environment Program (UNEP) in its ongoing efforts to raise awareness of environmental issues that affect society, called on parliaments around the world to take this into account when drafting their environmentally friendly laws.⁴

3. States' Obligations to Respect and Guarantee the Rights of the Child in Environmental Crisis

As children are particularly vulnerable to environmental damage and are unable to protect themselves, governments need to be more assertive of their human rights obligations regarding the environment and children's rights. According to a 2018 report by the former UN Special Rapporteur

1 . Gerison Lansdown, 'every child's right to be heard, a resource guide on the un committee on the rights of the child general comment no.12' (2011) Published by Save the Children UK on behalf of Save the Children and UNICEF https://www.unicef.org/files/Every_Childs_Right_to_be_Heard.pdf

2 . GRETA THUNBERG AND ELLEN-ANNE And Others V ARGENTINA, BRAZIL, FRANCE, GERMANY & TURKEY, 23 September (2019), Communication on the Committee on The Rights Of The Child, http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2019/20190923_Not-available_petition-1.pdf

3 . UNEP, children' right and the environment, (2020), <https://wedocs.unep.org/bitstream/handle/20.500.11822/34181/CRE.pdf?sequence=1&isAllowed=y>

4 . American Youth to bring US Federal Government to Trial in Ground-breaking Climate Change lawsuit, 10 Nov (2016), <https://www.unep.org/news-and-stories/story/american-youth-bring-us-federal-government-trial-ground-breaking-climate>



on Human Rights and the Environment, there are three types of commitments for governments in this context.¹

- **Commitment to protect children from environmental damage** - Among the effective measures that governments can take in this regard are: 1-Assess the impact of environmental projects or related policies on children's rights. 2- Adopt and implement environmental laws, standards, policies and action plans, taking into account all the ways in which children are exposed to these pollutions and the obstacles to the realization of their fundamental rights. 3- Paying attention to plans and programs that can threaten the rights of vulnerable children during the development and implementation of international environmental treaties
- **Commitment to education, public awareness, access to information, participation in environmental decisions and compensation**-To fulfill this commitments governments must:1-provide sufficient information to all, especially children, about specific environmental hazards for children and how to protect against them.2-ensure the content of curricula, increase children's understanding of environmental issues, and increase their capacity to meet environmental challenges by considering the culture, language, and environmental status of specific groups of children. 3- Support the right of children to freedom of expression and freedom of association in environmental matters. 4-Provide a safe and enabling environment for environmental rights activists and advocates. 5- Facilitate the process of equitable participation of children in environmental decisions. 6-Remove barriers that children face in defending their rights on environmental issues in the courts
- **Commitments related to the trade sector** - Governments should adequately monitor the conduct and performance of private actors in international law, including corporations, to ensure that they comply with all rules and regulations of international environmental law and in particular, do not abuse issues related to children's rights. The Committee on the Rights of the Child explicitly states that governments should oblige their business sectors to respect and protect the rights of the child, and to identify the impact of activities and trade relations on the rights of the child at the national and international levels and, as far as possible, reduce its destructive effects.² governments should also ensure that business owners concerned with child health and welfare provide the necessary information to the public, and that victims of occupational environmental damage have access to effective and adequate redress.³

Undoubtedly, the responsibility of governments as the largest and most effective element of the international community - which on the one hand have a primary role in producing pollution and causing environmental damage, and on the other hand the most effective tool and factor to control, guide and reduce incidence and compensation-is one of the most important

1 . A/HRC/37/58, (2018), UN Special Rapporteur on Human Rights and the Environment, 2018 report to the UN Human Rights Council on Child Rights and the Environment

2 . UN Committee on the Rights of the Child (2013), General Comment 16: State obligations regarding the impact of the business sector on children's rights

3 . UNSR Human Rights and the Environment, 2018, p.16, op. cit.



issues that international organizations, civil society and human rights organizations try to hold governments accountable By holding meetings, conferences, lectures and reporting. The efforts of the Human Rights Council, UNICEF, the Committee on the Rights of the Child and other international non-governmental organizations are noteworthy in this regard.

In particular, governments' commitment to accountability can be seen in periodic reports to the Committee on the Rights of the Child. Examples of these reports from 2018 to 2021 related to 12 countries have been examined, which indicates that half of these countries have mentioned their environmental obligations towards children in their reports:

- **Ireland-** This country mentions in paragraph 83 of its report in 2021. "The Environmental Protection Agency is responsible for overseeing enforcement of environmental law; regulating Ireland's greenhouse gas emissions, managing waste, and protecting people from the harmful effects of radiation. They grant licenses for waste facilities, intensive agriculture, and large-scale industrial activities, so are at the forefront of standard regulation through annual audits and inspections of premises and the prosecution of breaches of the regulations."¹
- **Sweden-** The report of the Swedish government is also significant regarding the right to freedom of expression and the right to be heard by children in environmental issues." Ahead of the Stockholm+50 high-level meeting in June 2022, the Government is hosting a youth council each term to discuss sustainable development. The aim is to have continuous dialogue with youth organizations in the work involved in Stockholm+50 and in connection with an additional ongoing environmental or climate policy process. Climate change was discussed in autumn 2020, and biodiversity was discussed in spring 2021. The Swedish delegation to the UN Framework Convention on Climate Change includes two youth representatives appointed by the National Council of Swedish Youth Organizations."²
- **Kuwait-** Paragraph 24(a) of the report of the Kuwaiti government is also important in that it points to the environmental obligations of governments in industrial sectors." The Public Authority for Industry undertakes periodic fields surveys of industrial businesses that breach environmental standards. A mobile station is tasked with monitoring air pollution and assessing the quality of the air in different locations. There is a laboratory that measures water pollution and analyses samples of industrial and wastewater from industrial areas in order to ensure that they meet the environmental standards approved by the Public Authority for the Environment."³
- **Germany-** In paragraph 50 of its report, the German government has paid attention to the commitment of governments to education and public awareness. According to this paragraph: The Federal Government is also addressing the health significance of

1 . CRC/C/IRI/5-6, (2021), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2ffC%2fIRL%2f5-6&Lang=en

2 . CRC/C/SWE/6-7,(2021), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2ffC%2fSWE%2f6-7&Lang=en

3 . CRC/C/KWT/3-6, (2020), retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2ffC%2fKWT%2f3-6&Lang=en



environmental pollution in relation to its particular impact on children. The German Environment Agency (UBA) furthermore surveyed the exposure of children and juveniles in the period from 2014 to 2017 in the latest German Environmental Health Study. Once the quality assurance process has been completed and the data have been evaluated, these will be published, including recommendations for action with regard to the protection of children and juveniles.¹

- **Azerbaijan-** This country has also paid special attention to environmental education in schools and raising the general awareness of students in this regard. Paragraph 195 of the 2018 report stipulates: “Application of democratic procedures in the schools, cultivating in children culture of peace and the values that exclude violence, promotion of respect for environment is included in the content of the “State Standards and Programs (Curriculums) of General Education Level” as skills cultivated in the students as a result of teaching of different subjects.”²

In addition to the reports sent by the countries, the Committee on the Rights of the Child itself also provides suggestions regarding the environmental rights of children to the countries, as an example, we can refer to the 2016 report of this committee to the Islamic Republic of Iran. Paragraphs 73 and 74 of this report state that: “The Committee is concerned about the adverse environmental effects of the river diversion program, sugar-cane farming and industrial pollution in Khuzestan province and about the negative impact that this has on the enjoyment by Ahwazi Arabs of their rights to an adequate standard of living and health and The Committee recommends that the State party take urgent steps to counter the impact of river diversions and industrial activity in Khuzestan on agriculture and human health, which includes environmental pollution and water shortages.”³

Among other measures is the Human Rights Council resolution of 5 October 2020, which reminds governments of their environmental commitments under multilateral agreements, particularly on climate change and Encourages them to consider their commitments on child rights and intergenerational justice in adapting to climate change.⁴ Also the Committee on the Rights of the Child, in its 69th session, also decided to dedicate its 2016 General Day discussion to the issue of child rights and the environment. These meetings are important because governments, NGOs, UN human rights bodies, specialized agencies of the organization, national legal bodies, the trade sector and as well as children and experts are present in them separately. The meeting was held on September 23 in Geneva, Switzerland, in part to address the responsibility of governments on environmental issues.⁵

1 . CRC/C/DEU/5-6, (2020), retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en

2 . CRC/C/AZE/5-6, (2020), retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAZE%2f5-6&Lang=en

3 . CRC/C/IRAN/CO/3-4,(2016), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&CountryID=81

4 . A/HRC/45/L.48/Rev.1, (2020),” Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development”, <https://undocs.org/A/HRC/45/L.48/Rev.1>

5 . Committee on The Right of The Child, Report of the (2016) Day of General Discussion, Children’s Rights and the Environment, <https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGOutcomereport-May2017.pdf>



Conclusion

Undoubtedly, environmental crises can be called the crisis of children's rights. Because not only children have no role in creating them but these crises hinder the realization of many of children's basic rights such as Their impact on the right to life, survival and development (Article 6), The right to the highest standard of health (Article 28), The right to an adequate standard of living and well-being (Article 27), The right to education (Article 28) of the Convention on the Rights of the Child.

A statement issued by the UNICEF Executive Director on 18 July 2017 referred to the risk of famine and the death of millions of children around the world from starvation, poverty and the spread of infectious diseases due to poor sanitation in crisis areas of Yemen, Sudan, Somalia and Nigeria.¹

There is no doubt that issues such as the conflict crisis, severe environmental and climatic events including drought, climate change, loss of livelihood and poverty lead to irreparable crises and as long as the entire international community do not confront, there will be repetition and continuation of these crises in the world for children. This means that countries around the world and the international community must make greater efforts to prepare for and build resilience to environmental crises, climate change and drought.

It is clear that the entire international community is responsible for protecting the rights of the child in the context of climate change, especially action to address all factors that impede the full realization of children's rights, and a collective commitment to creating a sustainable, clean and safe for children and future generations. In fact, this is the first time that a global generation of children has grown up in a dangerous and insecure world caused by environmental change and this is another reason why serious action must be taken to protect children from climate change and environmental crises.

The devastating effects of climate-environmental phenomena and crises are so widespread that it can be argued that they alone violate all the rights of children, including their civil, social and cultural rights, and severely affect their lives, development and well-being. The issue is very serious and experts believe that by 2030, annual climate change will cause 250,000 deaths due to heat alone and an increase in diarrhea and malaria, with children and women accounting for the largest share.² (World Health Organization, 2015) . To these statistics must be added illness, disability, deprivation of education and welfare, displacement and psychological trauma for children. Clearly, shifting energy and technology investments to clean fuels will lead to an annual reduction in millions of deaths and disease from air pollution. Such investments in reducing carbon emissions and the use of clean and flexible renewable energy are more beneficial and effective than investing in health.

Also, the protection of children's right to be heard and the extension of international environmental law to the field of fundamental human rights, and in particular the rights of children

1 . Justin Forsyth, Statement by UNICEF Deputy Executive Director, To the Senate Foreign Relations Subcommittee on Multilateral International Development, Multilateral Institutional Economic, Energy and Environmental Policy, (2017) https://www.foreign.senate.gov/imo/media/doc/071817_Forsyth_Testimony.pdf

2 . WHO, New Climate Accord Could Save Lives and Health Costs from Both Climate and Air Pollution, (2015), <https://www.who.int/news/item/11-12-2015-new-climate-accord-could-save-lives-and-health-costs-from-both-climate-and-air-pollution>



- as the most vulnerable human group - pave the way for children to be more influential in government decisions and oversight. If in the past few people thought that the movements and lawsuits of children and adolescents against the negligence of governments in harming and destroying the environment will be considered, today we are witnessing not widely but effectively forcing rulers and commanders and politicians to answer. A study report on children's rights and environmental protection in 2016 also recommends that "strategic lawsuit and litigation to jointly protect children's rights and environmental rights should be promoted. Lawyers who make such claims, especially on behalf of children as plaintiffs, must define and determine an appropriate legal basis for them in their country's legal system."¹ in a report published by UNEP in 2017, The number of lawsuits filed on climate change is 884 in 28 countries, of which 654 in the United States and 230 in other countries. The report shows how climate litigation is forcing governments, organizations, and corporations to pursue more realistic goals of mitigating or modifying climate change.

In addition, requiring governments to report regularly to the Committee on the Rights of the Child on children's environmental rights, raises standards and their responsiveness to children's environmental harms. The Convention on the Rights of the Child is one of the few international treaties that explicitly addresses environmental issues. However, reports of environmental damage to the Committee on the Rights of the Child are very limited and interrupted and need to be strengthened.

But the most important issue in this regard is the role and responsibility of governments. Governments that, on the one hand, play an important role in creating environmental crises or lack of adequate oversight to prevent them, and on the other hand are the strongest means of protecting the rights of children against these harms. Clearly, governments efforts to reduce carbon emissions, reduce seasonal fuel consumption, prevent deforestation and ecosystems, avoid the use of toxic chemicals in products, and monitor the behavior of large corporations are the first effective step that affects the guarantee of children's rights.

Also, governments can help protect children's rights by assessing environmental impacts, creating relevant public information, facilitating public participation in decision-making, protecting the right to express and establish associations, and providing access to ways to compensate for environmental damage. When there is a lack of awareness, mutual understanding and cooperation between environmental and child rights activists, especially at the decision-making level, A deep gap is created in monitoring, acting and reporting on the effects and measures needed to realize children's rights that in the long run will not be able to meet the needs of the current and future generations.

Adoption of domestic laws by governments to protect human rights, including the rights of children, against environmental harms, and special protection for children with disabilities and the poor who are more vulnerable, are other steps that governments can take.

Nevertheless, despite all efforts, governments' adherence to human rights and environmental rights commitments is slow, and many multilateral environmental agreements are still in the

1. Vana Savić, LL.M., Supervision: Prof. Dr. Ton Liefwaard, Kids rights Report (2016)-Cleaning up the Mess, Children's Rights and Environmental Protection, p17, <https://files.kidsrights.org/wp-content/uploads/2019/08/15135250/KidsRights-Report-2016-Cleaning-up-the-Mess.pdf>



soft and non-binding legal stage. Or they are not in line with the human rights approach and especially the rights of children but one must be hopeful.

Undoubtedly, what protects the threatened rights of children in the face of environmental crises is the commitment and responsibility of governments. As long as governments and large commercial and economic companies do not start effective and preventive measures to protect children's rights against environmental damage and stop the widespread destruction of ecosystems and natural and biological resources, Severe and widespread violations of the rights of children and future generations will continue, and practically nothing but a name of children's rights in the specific sense and human rights in the macro sense will remain.





References

- American Youth to bring US Federal Government to Trial in Ground-breaking Climate Change lawsuit, 2016. <https://www.unep.org/news-and-stories/story/american-youth-bring-us-federal-government-trial-ground-breaking-climate>.
- Committee on the rights of the child, Report of the 2016 day of general discussion, Children's Rights and the Environment, 2016. <https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.pdf>
- Communication to the committee on the rights of the child, Gerta Thunberg and leen-Anne and others V Argentina, Brazil, France, Germany & Turkey, 2019. http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2019/20190923_Not-available_petition-1.pdf
- Convention on the Rights of the Child, 1989.
- CRC/C/AZE/5-6, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAZE%2f5-6&Lang=en
- CRC/C/DEU/5-6, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en
- CRC/C/IRAN/CO/3-4, 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&Treaty-ID=5&CountryID=81
- CRC/C/IRI/5-6, 2021, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRI%2f5-6&Lang=en
- CRC/C/KWT/3-6, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKWT%2f3-6&Lang=en
- CRC/C/SWE/6-7, 2021, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSWE%2f6-7&Lang=en
- Davis J, 'Young children, environmental education and the future' (1998) *Education and the environment* 141
- Francesca M. and Others, *Environment in Children's Health: A New Challenge for Risk Assessment*, Published online 2021 Oct 4. doi: 10.3390/ijerph181910445
- G7 Environment Ministers' Meetings, '1997 Declaration of the Environment Leaders of the Eight on Children's Environmental Health', 1997. <http://www.g8.utoronto.ca/environment/1997miami/children.html>
- Gerison L, every child's right to be heard, a resource guide on the un committee on the rights of the child general comment no.12. https://www.unicef.org/files/Every_Childs_Right_to_be_Heard.pdf
- Jonas S, Translator Elaine Griffiths, *Protecting Environmental Child Rights P3*, 2012, https://www.terredeshommes.org/wp-content/uploads/2013/01/tdh_Environmental-Child-Rights_2012-11-final.pdf
- Marabotti, C, and Others, 'Mortality for chronic-degenerative diseases in Tuscany: Ecological study comparing neighboring areas with substantial differences in environmental pollution' (2017) Vol. 30 No.4 *International journal of occupational medicine and environmental health* 641
- Savić V, LL.M., Supervision: Prof. Dr. Ton Liefwaard, 'Kids rights Report 2016-Cleaning up the Mess, Children's Rights and Environmental Protection' (Leiden University 2016)
- Savić V, LL.M., Supervision: Prof. Dr. Ton Liefwaard, 'Kids rights Report 2016-Cleaning up the Mess, Children's Rights and Environmental Protection' (Leiden University 2016)
- Statement by UNICEF Deputy Executive Director, To the Senate Foreign Relations Subcommittee on Multilateral International Development, Multilateral Institutional Economic, Energy and Environmental Policy, 2017. https://www.foreign.senate.gov/imo/media/doc/071817_Forsyth_Testimony.pdf
- Tanner T.M, and Others, 'Children's participation in community-based disaster risk reduction and adaptation to climate change' (2009) *Participatory Learning and Action* 54
- The UN Human Rights Council resolution A/HRC/45/L.48/Rev.1, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, 2020, <https://undocs.org/A/HRC/45/L.48/Rev.1>
- The UN Human Rights Council, Resolution 40/11, Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, 2019.
- UN Committee on the Rights of the Child, General Comment 16: State obligations regarding the impact of the business sector on children's rights, 2013.
- UN Special Rapporteur on Human Rights and the Environment, Resolution 37/58, report to the UN Human Rights Council on Child Rights and the Environment, 2018. <https://daccessods.un.org/TMP/2866833.50801468.html>



- UN Special Rapporteur on Toxics and Human Rights, Resolution, 33/41, Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, 2016. <https://www.undocs.org/A/HRC/33/41>
- UNICEF, The Toxic Truth, 2020. <https://www.UNICEF.org/reports/Toxic-Truth-Childrens-Exposure-To-Lead-Pollution-2020>
- UNICEF's Approach to Climate Change, An Environment Fit for Children, 2019.
- United Nation Environment Programme, 'children' right and the environment', (2020). <https://wedocs.unep.org/bitstream/handle/20.500.11822/34181/CRE.pdf?sequence=1&isAllowed=y>
- United Nation Environment Programme, The Status of Climate Change Litigation, 2017.
- Winograd K, Education in times of environmental crises (New York: Routledge 2016)
- World Health Organization, 'Children Suffer Most From the Effects of Ozone Depletion', 2003. <https://www.who.int/news/item/16-09-2003-children-suffer-most-from-the-effect-of-ozone-depletion>
- World Health Organization, 'Children's environmental health', 2012. https://www.who.int/health-topics/children-environmental-health#tab=tab_3
- World Health Organization, 'Massive Open Online Course On E-waste-Launched by UN and partners to galvanise action for better managing this expanding source of hazardous waste', 2020. <https://www.who.int/news/item/28-02-2020-massive-open-online-course-on-e-waste>
- World Health Organization, 'New Climate Accord Could Save Lives And Health Costs From Both Climate And Air Pollution', 2015. <https://www.who.int/news/item/11-12-2015-new-climate-accord-could-save-lives-and-health-costs-from-both-climate-and-air-pollution>

