

Children's rights to a healthy environment



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July 2020



Overview of the session

- Introduction to ERCS and LSA
 - Children's rights to a healthy environment
 - Air pollution
 - Environmental/ climate policy
 - Access to greenspace
 - Group discussion
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Environmental Rights Centre for Scotland (ERCS) & Legal Services Agency (LSA)

ERCS mission is to assist members of the public and civil society to understand and exercise their rights in environmental law and to protect the environment.

- public education
- advice, assistance and representation
- advocacy in policy and law reform
- strategic public interest litigation.

Children's rights to a safe, clean, healthy and sustainable environment

UNCRC: Children's rights and the environment

► Life

Article 6(1): 'the inherent right to life'

► Health

Article 24(1): 'the enjoyment of the highest attainable standards of health'.

24(2): 'to combat disease and malnutrition [...] taking into consideration the dangers and risks of environmental pollution'.

► Education & recreation

Article 29(1): education directed to '[...]the development of respect for the natural environment'.

Article 31(1): 'the right of the child to rest and leisure, to engage in play and recreational activities'.

Children's rights to a safe, clean, healthy and sustainable environment

Developments

- *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment – on the relationship between children's rights and environmental protection* ([A/HRC/37/58](#)) (2018).

Suggestions

- 'The Committee on the Rights of the Child should consider adopting a new general comment on children's rights and the environment'.
- Human Rights Taskforce – policy coherence with UNCRC incorporation into Scots Law.

Air pollution (p113) - summary

- Recognises health implications of air pollution and children's vulnerability.
- Describes air pollution strategies and policy measures.



Air pollution (p113) - gaps

Developments

- [Cleaner Air for Scotland strategy: independent review](#) (2019).
- Transport (Scotland) Act 2019 & Low Emission Zones.
- Special Rapporteur on HRs & the environment – [clean air and human rights report](#) (2019).

Suggestions

- Link UNCRC rights to the air pollution problem (e.g. Articles 6 (life) & 24 (highest attainable std of health)).
- Refer to Committee on Rights of the Child – [Gen. comment 15](#) (2013).
- Does air pollution law and policy protect children's rights?

Environmental policy (p114) - summary

- Notes children's vulnerability to climate change and impact of climate change on their rights (although does not explain this).
- Describes climate law and policy.



Environmental policy (p114) - gaps

Developments

- Greta Thunberg [UNCRC super complaint](#) (2019).
- UN Special Rapporteur on HRs & the Env. – [safe climate report](#) (2019).
- Scottish Government declaration of climate emergency (2019).
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- Forthcoming UNFCCC COP in Glasgow.

Suggestions

- Climate change needs its own page.
- Explain the rights implications of climate change (e.g. Articles 6 (life) & 24 (highest attainable std of health)).
- Does Scottish climate law and policy sufficiently protect children's rights? E.g. Government support for 'maximum economic recovery' of fossil fuels.

Equality in access to greenspace/nature -summary

s.7.2 'Play, rest, recreation ...' (p125-129)

- Free outdoor un/structured play is essential for health and wellbeing – but in decline.
- Barriers to access to play and leisure are worse in deprived areas.
- Describes positive policy statements on access to 'high-quality greenspace' and funding for disadvantaged areas.



Equality in access to greenspace/nature - gaps

Developments

- 2010-2018 - spend on parks and open spaces reduced in real terms by 31.7% (LGBF, 2019).
- Downward trends in perceptions of 'good places to play' and visiting local greenspace in the most deprived neighbourhoods (EEF, 2019; greenspace scotland, 2018).

Suggestions

- Refer to overall importance of increasing access to good quality multifunctional greenspace (as well as specifically play spaces) to:
 - mitigate health inequalities (WHO, 2016; 2017) – Art 24 & Art 31.
 - promote access to nature - Art 29.
- National Performance Framework: access to green and blue space indicator to include quality standards.



Discussion

- ✓ What are the major children's human rights concerns?
- ✓ Gaps in 2019 report, new developments /issues?
- ✓ Impact of Covid-19 – adaptations/ enhancements?
- ✓ Top three issues for Together and why?

References

EEF: Equality Evidence Finder (2019). *Equality Evidence Finder: Data explorer - Socio-Economic Status*. [online]. [accessed 04 October 2019]. Available: <https://scotland.shinyapps.io/sg-equality-evidence-finder/#equality-npf-top>.

greenspace scotland (2018). *The Third State of Scotland's Greenspace Report, February 2018*: <https://www.greenspacescotland.org.uk/statistics>.

LGBF: Local Government Benchmarking Framework (2019). *How much does my council spend on parks and open spaces (net) (£ per 1,000 people)?* [online]: <http://www.improvementservice.org.uk/benchmarking/explore-the-data.html>.

United Nations Human Rights Council (2018). *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/37/58)*: <https://undocs.org/A/HRC/37/58>.

United Nations Human Rights Council (2018). *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/37/59)*: <https://undocs.org/A/HRC/37/59>.

WHO: World Health Organisation (2016). *Urban Green Spaces and Health – A review Of Evidence*: <http://www.euro.who.int/en/health-topics/environment-and-health/urban-health/publications/2016/urban-green-spaces-and-health-a-review-of-evidence-2016>.

WHO (2017). *Urban Green Interventions and Health - A Review of Impacts and Effectiveness*: <http://www.euro.who.int/en/health-topics/environment-and-health/urban-health/publications/2017/urban-green-space-interventions-and-health-a-review-of-impacts-and-effectiveness.-full-report-2017>.