

Guiding Principles for Children's Rights to a Safe, Clean, Healthy and Sustainable Environment in ASEAN

Recalling the Convention on the Rights of the Child to which all Member States of the Association of South East Asian Nations (ASEAN) are parties;

Reiterating the commitments in the 2019 Joint Statement on Reaffirmation of Commitment to Advancing the Rights of the Child in ASEAN to mainstream child rights in cross-cutting areas such as environmental degradation and climate change, to strengthen child rights legal frameworks, safeguard the rights of children to express themselves by providing a safe space to them, and to create opportunities for children to participate, be responsible for and engaged in defining and designing policies that address 21st century skills;

Recalling ASEAN's history of commitment to child rights as expressed in ASEAN 2025: Forging Ahead Together, the 2010 Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children, the 2001 Declaration on the Commitments for Children in ASEAN, and the 1993 Resolution on the ASEAN Plan of Action for Children;

Noting that the 2012 ASEAN Human Rights Declaration affirmed the general principle that the rights of children are an inalienable, integral and indivisible part of human rights and fundamental freedoms;

Noting further that the 2012 ASEAN Human Rights Declaration affirmed that childhood is entitled to special care and assistance;

Cognisant of the need to ensure special care and assistance for children in vulnerable situations, particularly but not limited to children of traditional, indigenous, and ethnic groups, children of linguistic, racial or religious minorities, children with disabilities, children from poor households and whose families have climate-sensitive livelihoods, stateless and undocumented migrant children, displaced children and children on the move, gender minority and LGBTQIA children, children in refugee communities, children in street situations, children deprived of liberty, children in institutions, and children who have entered the labour force;

Reaffirming the principle in the 2012 ASEAN Human Rights Declaration which states that every person has the right to a safe, clean and sustainable environment, and that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

Reiterating the commitment in the 2019 ASEAN Declaration on the Rights of Children in the Context of Migration to protect children's rights in the context of migration, including through providing access to a clean and safe environment;

Recalling that the 2019 ASEAN Human Rights Declaration affirmed ASEAN's commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties;

Recognizing that climate change and environmental degradation can undermine the fundamental rights of every child;

Reaffirming commitments to meeting the targets of the Sustainable Development Goals particularly as they apply to children;

Reaffirming commitments to implement the obligations in the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, to which all ASEAN Member States are Parties, and to apply the precautionary principle and the principle of intergenerational equity in all efforts to mitigate and adapt to climate change, and to prevent and control environmental degradation, and the particular impacts of these processes on present and future children's health and safety;

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider intergenerational equity and their respective obligations on the rights of children;

Recalling the 2013 General comment No. 16 of the Committee on the Rights of the Child on State obligations regarding the impact of the business sector on children's rights and the 2012 Children's Rights and Business Principles;

Reaffirming the principle in the 2012 ASEAN Human Rights Declaration which states that children and young people must not be employed in work harmful to their health, dangerous to life, or likely to hamper their normal development including their education;

Recalling the commitment in the 2001 Declaration on the Commitments for Children in ASEAN to protect children from all forms of violence and abuse in school and in the community, and equally committing to protect those who assist children in defending their rights to a safe, clean, healthy and sustainable environment;

Cognisant that the culture of each ASEAN Member State has an influence on the exercise of children's rights to a safe, clean, healthy and sustainable environment;

Committed to integrating children's rights to a safe, clean, healthy and sustainable environment into existing mechanisms at the regional and national levels and to mobilising the human and financial resources required to do so;

Committed also to enhancing ASEAN's role at the global level in promoting children's rights to a safe, clean, healthy and sustainable environment;

Affirming the commitment of all stakeholders to operationalise the principles set out in this policy guidance;

General principles

1. All children have the right to be born and grow up in a safe, clean, healthy and sustainable environment.
2. Children are agents of change and have the right to freedom of expression, association, peaceful assembly, and participation in decision-making on all issues related to their rights to a safe, clean, healthy and sustainable environment.

3. All children have the right to age-appropriate information, in accessible formats and languages, related to their rights to a safe, clean, healthy and sustainable environment.
4. All children of all ages have the right to environmental education.
5. All children have the right to play in a safe, clean, healthy and sustainable environment.
6. All children have the right to be protected from the impacts of climate change, pollution, biodiversity loss, and other forms of environmental degradation.
7. All children have the right to be protected from adverse impacts of formal and informal business activities and investments, including those that are transboundary in nature.
8. All children have the right to access effective remedies for environmental harm from all actors that cause such harm, taking into account both economic and non-economic harm suffered.
9. All children have the right to be protected from threats, harassment, intimidation, violence, arbitrary and inappropriate prosecution, criminalisation, and any other reprisals from any source when they exercise their rights to a safe, clean, healthy and sustainable environment and when they seek access to justice for any breach of those rights.

Realising the general principles requires commitment to:

Participation in decision-making and access to information

10. *implementing* measures to protect, empower and facilitate children to participate in decision-making and to advocate for their rights to a safe, clean, healthy and sustainable environment.
11. *ensuring* effective, appropriate, transparent, inclusive, and age-appropriate platforms for children to participate in regional, national and local-level decision-making processes related to climate change and the environment, and to ensuring that children's concerns are reflected in the outputs of such processes.
12. *respecting, supporting, and encouraging* environmental initiatives led by children and their communities; *supporting* parents, carers, and community elders to understand, respect, and raise awareness of the rights of children to a safe, clean, healthy and sustainable environment; and *developing* and *disseminating* appropriate materials to support this role.
13. *recognizing, supporting, protecting, and expanding* the role of children, civil society, community groups and other actors in the production, promotion, and dissemination of information on children's rights to a safe, clean, healthy and sustainable environment.
14. *enhancing* the gathering of data; *creating* transparent mechanisms for the continuous dissemination of information related to children's rights to a safe, clean, healthy and sustainable environment; and *providing* access to such data and information in age-appropriate formats that are accessible in local languages through all available media.
15. *supporting and collaborating* with children of all groups and backgrounds to enhance public access to and use of information on climate change and environmental degradation and on approaches and measures to mitigate and adapt to climate change, and to prevent,

halt, and reverse, environmental degradation that are critical for the realisation of children's rights to a safe, clean, healthy and sustainable environment.

Environmental education and children's rights to play and recreation

16. *developing and ensuring* the use of an inclusive, flexible, responsive, and compulsory environmental education curriculum at all levels, including the early childhood level, informed by the latest scientific knowledge to mitigate and adapt to climate scenarios and environmental degradation.
17. *ensuring* that environmental education is accessible for children of all groups and backgrounds, and that children can be involved in inclusive measures to integrate environmental best practices into their day-to-day activities at home, at school, and in other community settings, with age-appropriate technical support.
18. *developing* educational and engaging media productions, *promoting* environmental education extracurricular activities that include access to nature and relevant skills-based training in both urban and rural settings, and *providing* community-based environmental programs for children of all groups and backgrounds, with special attention to children in vulnerable situations.
19. *ensuring* that all levels of government, including in remote and disadvantaged areas, provide for equitably accessible, safe, sustainable, diverse, and healthy green spaces for children to exercise their right to play and recreation.

Pollution, climate change, loss of biodiversity and children's rights to a safe, clean, healthy and sustainable environment

20. *ensuring* a safe, clean, healthy and sustainable environment for children by strengthening enforcement of existing laws, regulations and policies and where necessary, adopting new environmental laws, regulations and policies, including recognised, science-based minimum core standards, strengthening existing laws and regulations, and monitoring compliance.
21. *adopting and implementing* measures to build national and regional capacity to effectively regulate and to ensure the accountability of regulators and enforcement authorities to uphold children's rights to a safe, clean, healthy and sustainable environment.
22. *ensuring* that children of all groups and backgrounds are protected from the effects of environmental pollution by providing their families, schools, and healthcare centres with access to affordable, reliable, and clean technology and services.
23. *ensuring* that the best interests of children are at the centre of strategies, development plans, response plans and all other types of plans and processes for mitigating and adapting to climate change, preventing and reducing environmental pollution, and preventing the loss of biodiversity.
24. *taking* all appropriate measures to protect children from physical, psychosocial, and economic harm resulting from conflicts, displacement, and loss and damage linked to insecurity, climate-related hazards, environmental pollution, and unsustainable land management practices.

25. *cooperating* with civil society and businesses to develop, implement, and enforce accountability mechanisms to ensure that children are protected from the impacts of transboundary environmental harm on ASEAN's shared ecosystems, including the effects of climate change and environmental degradation.

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

26. *ensuring* that all businesses have a legally binding responsibility to respect the rights of children to a safe, clean, healthy and sustainable environment throughout the entire cycle of business activities.
27. *ensuring* that all businesses invest in, and implement measures of, social and financial responsibility, integrity, accountability, and transparency related to children's rights to a safe, clean, healthy and sustainable environment, in accordance with internationally-recognised environmental disclosure and safeguard standards.
28. *ensuring* that all businesses, State-owned enterprises and government agencies conduct participatory, inclusive, comprehensive, independent, and validated child-rights due diligence, as part of or in addition to environmental and social impact assessments for development projects and other ongoing and proposed development actions, whether public or private.
29. *ensuring* protection for children who are involved in the informal sector, and particularly children who are exposed to chemicals, toxic substances and wastes, and processes that cause or have the potential to cause environmental harm or harm to children's health.
30. *establishing and implementing* incentives and other mechanisms to encourage, empower, and appropriately acknowledge businesses that respect and promote children's rights to a safe, clean, healthy and sustainable environment.

Enforcement and access to justice

31. *ensuring* strict and effective enforcement action against public and private actors, including via criminal and civil proceedings, for any breach of children's rights to a safe, clean, healthy and sustainable environment.
32. *adopting and implementing* appropriate measures that empower and enable children to access justice effectively, including through child-friendly and age-appropriate grievance mechanisms and independent tribunals; *enabling* children and their representatives to file complaints to protect their rights to a safe, clean, healthy and sustainable environment; broadly *disseminating* information on the existence and scope of such measures; and *providing* children with adequate and *pro bono* support to access the services as necessary.

Non-discrimination

33. *adopting and implementing* appropriate measures to prohibit discrimination of any kind against children, and *ensuring* equal and effective protection of children against discrimination that prevents children from exercising and fully enjoying their rights to a safe, clean, healthy and sustainable environment.

Allocating resources

34. *prioritizing* the allocation of appropriate human, technical, and financial resources to enable effective and participatory implementation, monitoring, and enforcement of laws,

regulations, and all other legal instruments pertaining to the environment that are critical for the realisation of children's rights to a safe, clean, healthy and sustainable environment.

Monitoring

35. *developing and applying* a range of parameters and indicators appropriate to assessing the status of protecting children's rights to a safe, clean, healthy and sustainable environment, with periodic monitoring, evaluation, and public reporting of the findings.

Regional and international cooperation

36. *enhancing* cooperation among all stakeholders in all ASEAN Member States to protect children's rights to a safe, clean, healthy and sustainable environment by, among other things, generating and sharing data, monitoring results, and other information, providing technical and financial assistance, and sharing and transferring appropriate technologies.

37. *fully implementing* the obligations in multilateral environmental agreements and human rights agreements to which they are Parties; *ratifying or acceding* to such agreements to which they are not yet Parties; *cooperating*, individually and collectively, with the secretariats of these agreements and with United Nations agencies and other international and regional mechanisms to ensure the full enjoyment of children's rights to a safe, clean, healthy and sustainable environment.