

**Seeking a Bill of Rights
that Protects Children from Environmental Hazards
and Supports their Health and Development**

A New Brunswick Approach



Backgrounder

Team Policy
New Brunswick Children's Environmental Health Collaborative

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Acknowledgements

We gratefully acknowledge the agents of change, past and present, who have helped to shape the intent and form of this initiative.

1948 *The Universal Declaration of Human Rights*

John Peters Humphrey, born in Hampton, New Brunswick in 1905, was the primary original drafter of the *Universal Declaration of Human Rights*. This UN Declaration stated: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family . . .”¹

1962 *Silent Spring*

Rachel Carson, author of *Silent Spring*, and widely recognized as the mother of the modern environmental movement, is credited as the catalyst behind the creation of the U.S. Environmental Protection Agency. In her words, “If the *Bill of Rights* contains no guarantee that a citizen shall be secure against lethal poisons distributed either by private individuals or by public officials, it is surely only because our forefathers, despite their considerable wisdom and foresight, could conceive of no such problem”².

2006 *Child Honoring: How to Turn This World Around*

Raffi Cavoukian, the founder of the Centre for Child Honouring, an ecology advocate, systems thinker and author as well as an award-winning songwriter, developed the unifying ethic of child honouring. In his words, “At this critical point in the history of humankind, the irreducible needs of all children can offer a unifying ethic by which the cultures of our interdependent world might reorder their priorities.” And further, “child honouring is a corrective lens, that, once we look through it, allows us to question everything from the way we measure economic progress to our stewardship of the planet...”³

2008 Spady, Ries et al. *Governance Instruments that Protect Children’s Environmental Health: Is enough being done?*

“The stings and balms of early life can profoundly affect how a child grows and develops and ultimately functions as an adult. Many of these influences are unique to the child; but many are determined by society. Thus the air children breathe, the water they drink, the chemical composition of plastic food containers and the pesticide residues on their food are governed less by the individual choices of their parents than by the regulations that govern the environment within which they live”⁴.

2012 *The Right to a Healthy Environment: Revitalizing Canada’s Constitution*

David R. Boyd, environmental lawyer, professor at University of Victoria, and prolific writer states, “If the citizens of more than 140 nations – in every region of the world – can summon the foresight, courage, and intelligence to create constitutions recognizing our dependence upon safe water, clean air, fertile soil, and healthy ecosystems, then so too can Canadians. By converting our highest ideals into constitutional rights and responsibilities, we can build the Canada we want.

Seeking a Bill of Rights that Protects Children from Environmental Hazards and Supports their Health and Development:

A New Brunswick Approach

Backgrounder

Purpose

Team Policy, an action team of the New Brunswick Collaborative for Children's Environmental Health, has undertaken to develop, together with relevant stakeholders, a Bill of Rights for Children's Environmental Health that would recognize the particular vulnerabilities of children, protect children's health from environmental hazards, and promote healthy indoor and outdoor environments that support children's health and development. This effort is one of the strategic directions set out in the Collaborative's Strategy for Action, published in 2008.

Rationale

Because:

- the state of global ecosystems are a fundamental determinant of health⁵
- children are *far* more vulnerable than adults to harm from environmental hazards⁶
- scientific evidence is sufficient to demonstrate significant health impacts from prenatal and/or childhood environmental exposures, including reproductive tract defects, reduced sperm counts, asthma, impacts on brain functioning, behaviour, and the development of later life cancers⁷
- exposures to hazards can occur from many sources, both indoors and outdoors, including air, water, soil, food and consumer products⁸
- the impact of climate change is emerging as a significant hazard to children's health⁹
- prevention strategies can protect children against environmental threats
- and, current environmental governance instruments only rarely consider children specifically, even though children, including the foetus, are much more vulnerable than the general population to environmental agents.¹⁰

Therefore, Team Policy of the New Brunswick Children's Environmental Health Collaborative is exploring avenues to introduce a Bill of Rights within the Province of New Brunswick that will protect children's environmental health and promote optimum health and development for our children – today and in the future.

Current Status

This initiative began in 2009, when Team Policy began its exploration of the literature as well as a scan of other jurisdictions. The resulting Backgrounder has been used to approach various organizations in determining interest in advancing the topic in New Brunswick.

Currently, in addition to the agencies involved with the NB CEH Collaborative, the following organizations have indicated their support for this work.

- The Centre for Child Honouring (founded by Raffi Cavoukian, better known as Raffi), dedicated to advancing Child Honouring as a universal ethic). The Centre for Child Honouring has recently provided seed money to expedite the progress of this work, and has committed his time to help promote the draft bill, and celebrate its successful enactment.
- Ecojustice, a national charitable organization dedicated to defending Canadians' right to a healthy environment. This group has provided meaningful input into the creation of the First Draft of the Bill of Rights, and has committed to continuing this work on as needed.
- East Coast Environmental Law has recently come on board to assist in the drafting of the legislation and help to engage the public.
- The David Suzuki Foundation has offered to collaborate in some way (to be determined).
- Dr. Robin Walker, currently with the St. Joseph's Hospital in London Ontario and formerly of the Isaac Walton Killam Hospital for Children in Halifax. He has been a solid proponent of this effort from the beginning.
- Drs Donald Spady and Colin Soskolne, researchers at the University of Alberta, who conducted a review of legislation in OECD countries, finding that very few instruments included any provision for protecting children's environmental health.
- Dr. Philip Landrigan, Director, The Children's Environmental Health Centre, Mount Sinai School of Medicine, New York, U.S.A. Dr. Landrigan is well known as the initiator of the movement to remove lead from gasoline.

Team Policy is currently developing a collaborative work plan for the development of the Bill of Rights. It is also approaching additional potential collaborators in this work, and to seek additional financial support to carry the work forward.

Relevant Policy/Legislative Instruments

*1948 U.N. Universal Declaration of Human Rights*¹¹.

John Peters Humphrey was the primary original drafter of the Declaration. He was born in Hampton, New Brunswick in 1905.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

1966 *The International Covenant on Economic, Social and Cultural Rights.*

Article 12 states that steps for the realization of the right to health include those that:

- reduce infant mortality and ensure the healthy development of the child;
- improve environmental and industrial hygiene;
- prevent, treat and control epidemic, endemic, occupational and other diseases; and
- create conditions to ensure access to health care for all

1989 *U.N. Convention on the Rights of the Child*

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

1996 *Maryland's Child's Bill of Rights*¹²

Children from seven countries on three continents signed this Bill. Section II, Part 20 addresses the right to a clean environment.

1997 Declaration of the Environment Leaders of the Eight on Children's Environmental Health¹³

At the Environment Leaders' Summit of the Eight in Miami, Florida, leaders affirmed: "that prevention of exposure is the single most effective means of protecting children against environmental threats". And further . . . "We seek to improve levels of protection for children, and we reaffirm the priority of children's environmental health in our own countries".

2002 Cooperative Agenda for Children's Health and the Environment in North America¹⁴

The Commission for Environmental Cooperation of North America (CEC) adopted an agenda signed by the Environment Ministers of Canada, the United States and Mexico, that recognized that 'protecting children's health from environmental risks is an ongoing task and a long term investment', and itemized a number of cooperative activities to reduce risks to children's health from environmental contaminants.

2002 A World Fit for Children¹⁵

A document of the UN General Assembly on children's issues, with the commitment of building 'A World Fit for Children' defined as a world in which children are healthy and reach their full potential, in which they are protected from disease and abuse, and a world in which children's rights across the board are fully realized. This document sets targets in vital areas of children's well-being and development, one of which is ensuring environmental sustainability.

2004 A Canada Fit for Children: Canada's plan of action in response to the May 2002 United Nations Special Session on Children¹⁶

Article 100 addresses children's physical and built environment, including the air they breathe, the water they drink, the food they eat, the products they use and the settings in which they live, learn and play. Protecting children from the hazards in the natural as well as the constructed environments in which they live and grow yields tremendous benefits for Canada and the world.

Non-Legislative Examples

Thunder Bay Children's Charter¹⁷ (2004) The Children's Charter is a list of 10 rights based on the United Nations Convention on the Rights of the Child that outlines basic rights and freedoms of children. The City of Thunder Bay published its 2008 Annual Report, which focused on Children's Environmental Health, stating, "While governments can play a large role in creating a healthier environment for children . . . changes that we make on our own and as a community can also create a safe and healthy place for children to live".

BC Toxins Free Schools Initiative¹⁸ (2005), formerly known as BC Students Environmental Bill of Rights. The Labour Environmental Alliance Society launched an initiative for a Students' Environmental Bill of Rights (now known as the Toxins-Free Initiative), with the assistance of the Environmental Law Centre at the University of Victoria.

The Economic Case

Exposure to pollutants is known to increase the risk of a variety of health outcomes, dependant on the pollutants, their level and the duration of exposure. Health impacts cost the health care system and other aspects of society billions of dollars each year. According to the Canadian Medical Association's *Illness Costs of Air Pollution Study*¹⁹ (2008) air pollution health impacts cost Canada taxpayers \$8 billion currently, forecast to increase to \$250 billion by 2031. Another Canadian study (2007) by David Boyd and Stephen Genuis from Simon Fraser University and the University of Alberta²⁰ found that between \$3.6 billion and \$9.1 billion in costs each year are due to respiratory disease, cardiovascular illness, cancer, and congenital affliction associated with adverse environmental exposures. Prevention is possible if exposure is reduced, especially for our children who have the greatest sensitivity to pollutants and who have the greatest health impacts.

The Objectives

- November 2013: Agreement on the First Draft, as developed by Team Policy with support from the NB Office of the Child and Youth Advocate, Ecojustice and East Coast Environmental Law.
- Fall, 2013: Recruitment of additional partners and sponsors.
- November to May 2014: Input to the First Draft of the Bill of Rights from the network of partners and supporters; Second Draft developed.
- May - September 2014: Second Draft of Bill of Rights promoted to the public.
- September 2014: Input to the Second Draft, based on the public consultation.
- October 2014: Revisions based on public consultation
- Late fall, 2014: Government announcement of its intention to adopt the Bill of Rights, at a large public event.

Next Steps (November 2013 – May 2014)

- 1) **Develop and finalize the First Draft of the Bill of Rights.** (Team Policy in consultation with the Office of the Child and Youth Advocate, Ecojustice and East Coast Environmental Law)
- 2) **Identify and recruit new partners and supporters.** (Team Policy)
- 3) **Develop a Collaborative work plan with all partners,** identifying concrete actions to be undertaken by partners between January 2014 and the launch of the governance instrument in late 2014. (Team Policy in collaboration with partners)

4) **Disseminate Second Draft of the Bill of Rights to the public with the assistance of partner networks.** (Team Policy)

5) **Develop the Final Draft of the Bill of Rights.**

More information on the extensive work of the Collaborative is available at:
www.nben.ca/en/collaborative-action/collaboratives/childrens-environmental-health-collaborative-effort

ENDNOTES

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⁶ Canadian Partnership for Children's Health and the Environment. 2005. *Child Health and the Environment – A Primer*, 19-23.

⁷ Collaboration of Best Start: Ontario's Newborn and Early Child Development Resource Centre and the Canadian Partnership for Children's Health and the Environment. 2006. *Playing It Safe: Service Provider Strategies to Reduce Environmental Risks to Preconception, Prenatal and Child Health*, 6.

⁸ Ibid.

⁹ U.S. Environmental Protection Agency. (2013, January 25). *America's Children and the Environment*, pp135-141. Accessed February 7, 2013 at: http://www.epa.gov/ace/publications/ace3-main_report.pdf

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¹⁶ Government of Canada. 2004. *A Canada Fit for Children*. Accessed December 13, 2012 at: http://www.canadiancrc.com/PDFs/Canadas_Plan_Action_April2004-EN.pdf

¹⁷ Thunder Bay Children's Charter Coalition. 2008. *Children's Charter Report 2008: Children's Environmental Health*. Accessed on Jan.29, 2009 at: http://www.tbdhu.com/NR/rdonlyres/FDD5706D-7CFE-4DA1-9044-C20E1CD19CAB/0/2008_childrens_charter.pdf

¹⁸ Labour Environmental Alliance Society. 2005. *Toxins Free Schools*. Accessed on Jan.29, 2009 at: <http://www.leas.ca/Toxins-Free-Schools.htm>

¹⁹ Canadian Medical Association. 2008. *No Breathing Room: National Illness Costs of Air Pollution*. Accessed at: http://www.cma.ca/index.cfm/ci_id/86830/la_id/1.htm and http://www.cma.ca/index.cfm/ci_id/86912/la_id/1.htm

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