

The UN Convention on the Rights of the Child Reporting System and the Physical Environment



Save the Children fights for children's rights. We deliver immediate and lasting improvements to children's lives worldwide.

Save the Children works for:

- a world which respects and values each child
- a world which listens to children and learns
- a world where all children have hope and opportunity

Code number: 2002-2751

© Save the Children Sweden and the author 2002

Author: Sheridan Bartlett

Project management: Eva Clarhäll and Anna-Carin Carlsson

Cover illustrator: Matilda Carlsson

Graphic design: Ulla Ståhl

Cover Graphic design: Annelie Rehnström

First edition: 2

Printed by Save the Children Sweden

This publication is partly financed by Sida (Swedish International Development Cooperation Agency). Sida has not taken part in its production and does not assume any responsibility for its content.

Background

In the coming years, children's rights to a healthy physical environment will have high priority at Save the Children Sweden. A new programme focusing on the role of the physical environment is going to be developed.

As part of the preparation of the programme, seven reports have been produced. This is one of them. The objective is that these reports serve as a "package" of basic information. Central concepts are defined, problems analysed and actors described. Possible activities at different levels are identified and related to the UN Convention on the Rights of the Child and other international agreements, such as the Agenda 21 and Habitat Agenda action plans.

The reports are:

Children's Right to a good Physical Environment. Central concepts and Problem Definition. Code no 2002-2747 (Also available in Swedish: *Barns rätt till god fysisk miljö – centrala begrepp och problemdefinition.* Code no 2002-2748)

Children's Rights and the Physical Environment. A Review of Current Knowledge. Code no 2002-2749. SEK 100.

The Rights of the Child and the Physical Environment. The UN Convention on the Rights of the Child and other Relevant International Agreements. Code no 2002-2750

The UN Convention on the Rights of the Child Reporting System and the Physical Environment. Code no 2002-2751

Children's Rights from an Environmental Perspective. Implications for Action. Code no 2002-2752

Children and the Environment. Actors on the International Arena. Code no 2002-2753

Barn och miljö. Aktörer i Sverige (Children and the environment. Swedish actors - the document is only available in Swedish). Code no 2002-2754

All of these documents may be ordered from Save the Children Sweden, 107 88 Stockholm, Sweden. Telephone number +46 8 698 90 20, fax +46 8 698 90 25. Or visit our on-line bookshop: www.rb.se/bookshop. Postage and handling will be charged.

Contents

Summary	5
1. The Convention	5
2. The Reporting Guidelines	6
3. The Country Reports	9
4. The Responses of the Committee	16
5. Conclusions and Recommendations	19

Summary

A supportive physical environment, so often overlooked both in theory and in practical interventions for children, is an essential foundation for children's well being and for the achievement of their rights. The objective of this report is to evaluate the attention given to the physical environment in the reporting system for the UN Convention on the Rights of the Child. The following will be considered here:

- 1) the Convention itself;
- 2) the reporting guidelines for States parties adopted by the Committee on the Rights of the Child;
- 3) the reports of 20 representative States parties to the Committee;
- 4) the Committee's comments and recommendations in response to these reports.

It is not always obvious how much should be included under "physical environment". Some factors are indisputable. Attention to water and sanitation, to housing and neighbourhood conditions, to the physical conditions within institutions for children, and to conditions that promote play and recreation, are clearly environmental issues. It is less clear in the case of a number of other more socio-spatial factors. Should references to geographical disparities be considered relevant here, or just attention to physical factors that contribute to these disparities, such as rugged terrain or lack of transport? Should the existence of child care centers, rehabilitation centers and so on be considered a feature of the physical environment – or only the physical conditions within those facilities? I have decided, when in doubt, to avoid stretching the definition of physical environment too far. There are inevitable compromises and inconsistencies, however. For instance, "encouraging the inclusion of children with disabilities into society" is not considered as relevant here, while descriptions of physical measures to ensure mobility and access are – despite the fact that the measures undertaken may in fact be the same in each case. Similarly, "greater efforts to ensure birth registration" is not considered relevant; while "the establishment of mobile birth registration units to serve isolated areas" is.

I. The Convention

The UN Convention on the Rights of the Child makes relatively little direct reference to the physical environment. In Article 24, the provision of clean drinking water and the risks of environmental pollution are mentioned; as well as the importance of basic knowledge about environmental sanitation and accident prevention. Article 27, which recognizes the child's right to an adequate standard of living, refers to the responsibility of the State to provide material assistance

when necessary with regard to housing. Article 16 recognizes the children's right to protection from unlawful interference with their privacy, although it is somewhat unclear whether this is intended in physical terms. Article 29 calls for children's education to be directed to the development of respect for the natural environment. These are the only specific references to the physical environment.

Whether there is in fact any substantive right for children with regard to the physical environment remains, apparently, a matter of some controversy in the field of international law (Fijalkowski and Fitzmaurice 2000). It has been argued, however, that such a right must be implicit (Ksentini 1994): since children are recognized in the Convention as having the right to survival, to the highest attainable standard of health, and to a standard of living adequate for their full development; it follows that they must also have a right to the conditions that make these goals achievable. Other rights also have environmental implications – the children's right to play must be supported by appropriate space for play; their right to education calls for school environments that promote learning; their right to be involved in decisions that affect them must reasonably extend to the physical world that they occupy. Research and practical experience confirm that the realization of rights for children is dependent in part on the quality of the environments they occupy, not simply on social responses.

2. The Reporting Guidelines

In its reporting guidelines, the Committee on the Rights of the Child prescribes a format for country reports which includes the following sections:

1. General measures of implementation
2. Definition of the child
3. General principles
4. Civil rights and freedoms
5. Family environment and alternative care
6. Basic health and welfare
7. Education, leisure and cultural activities
8. Special protection measures

Within this structure, States parties are explicitly asked to provide the following environmental information:

Under Basic Health and Welfare:

- the proportion of children affected by a lack of clean drinking water
- risks from environmental pollution and the measures taken to combat them;
- the availability of safe sanitation;

- measures to provide material assistance and support programmes with regard to housing.

Under Education, Leisure and Cultural Activities:

- measures to provide adequate educational facilities for all children.

There are other requests for information that might or might not be interpreted to require a consideration of the physical environment. Some countries do interpret them in this way, while others do not.

Under General principles:

- steps to reduce geographical disparities;
- the establishment of appropriate standards for all institutions, services and facilities;
- measures to create an environment conducive to ensuring survival and development.

Under Civil Rights and Freedoms:

- steps to promote birth registration in cases of geographic remoteness and displacement;
- measures to prevent unlawful interference with the child's home and privacy;

Under Family Environment and Alternative Care:

- institutions and facilities developed for the care of children;

Under Basic Health and Welfare:

- the distribution of health services;
- indicators used to assess an adequate standard of living;
- measures to respond to the child's right to an adequate standard of living;
- measures to ensure basic knowledge on hygiene, environmental health and injury prevention;
- the means used to prevent accidents;

Under Education, Leisure and Cultural Activities:

- measures to ensure school access for all, including girls, children with disabilities and children in minority groups;
- information on the circumstances that exclude children from school;
- incentives to encourage school entrance, regular attendance and retention;
- measures in school to ensure development of respect for the natural environment;
- measures to ensure the child's right to engage in play and recreational activities;

Under Special Protection Measures

- measures to ensure the right to life, survival and development for refugee children;
- measures to ensure that recovery and reintegration for children in armed conflicts, as well as children deprived of their liberty, take place in an environment that fosters health, self-respect and dignity;
- Measures to ensure that conditions in institutions be monitored for children deprived of liberty;
- measures to ensure protection of children from work hazardous to health or development and to provide for the appropriate regulation of the conditions of work;
- measures to ensure the right of minority children to enjoy their culture.

The fact that information on many factors is not explicitly requested leaves States parties free to overlook the environmental implications of many requests. In reporting on measures to provide for the appropriate regulation of the “conditions of work”, for instance, States parties might choose to focus on hours of work, rates of pay and so on, rather than interpreting this to include physical conditions such as toxic fumes, hazardous machinery, lack of sanitation.

The Committee requests a response on all physical environment factors that are explicitly laid out in the Convention, but it tends not to go any further than this. Many other issues within the Convention, however, are “unpacked” or elaborated upon in the guidelines in a way that environmental aspects are not. It is worth comparing, for instance, the reporting guidelines for Article 31 (on play, recreation, leisure etc), and Article 33 (on drug use, production and trafficking). The guidelines for Article 33 recommend a number of measures that are not explicitly called for by the Convention:

1. ensuring that awareness of the drug problem be raised in the general population;
2. assisting children and families through confidential counseling and policies for recovery;
3. monitoring the extent of the problem;
4. evaluating the effectiveness of the measures taken in response to the problem.

By contrast, the discussion of play and recreation includes the general requests that are made for every article, but there are no added suggestions as there are for the drug article. If the guidelines for Article 31 were comparable to those for Article 33, they might include requests for information on the following measures :

1. ensuring awareness on the importance of play and recreation for children and adolescents and on the conditions that support it;
2. assisting families and children in finding ways to provide for adequate play;
3. documenting and monitoring conditions that limit play;

4. evaluating the effectiveness of all these measures.

The same relatively limited treatment is given in the guidelines to water and sanitation, pollutants, housing, injury prevention and physical conditions in schools and other institutions catering to children. The implication is that social interventions are more significant, or require more detailed guidance, than is true for environmental interventions. This does not encourage detailed information gathering or critical reflection on physical environment issues on the part of States parties.

3. The Country Reports

The country reports discussed here were selected to be geographically representative (see the attached list). Within each region of the world, they also represent higher and lower income nations – both Costa Rica and Nicaragua, for instance, both Finland and Russia; both Japan and Cambodia. Some of the selected countries have a reputation for assertive and creative attention to the rights of their young citizens; others have a less impressive record. Most of the reports considered here (some initial reports, and some periodic) are recent, but in order to gain a truly representative and informative sample, some older reports are also included. The 1994 report from Canada, for instance, was selected in order that a high income North American country be represented; the 1993 report from the Philippines was selected because of this country's reputation for serious legal and practical attention to children's environmental rights.

Little consideration has been given here to the accuracy of report content or to the scale of the reported physical environment responses; the interest is primarily in the range of categories and factors that each country has presented as relevant to children's rights. The description of the environmental content of these country reports does not make use of the categories specified in the reporting guidelines. This is because relevant material is typically found scattered throughout these reports and is not always in those sections where responses are requested. Nor does every country follow the prescribed format.

Water, Sanitation, Drainage and Waste Removal

The provision of these basic services is fundamental to children's health and survival, and contributes also to the capacity of caregivers to provide adequate care. Although more than half of the countries surveyed mention water and sanitation, few of them describe the scope of existing problems or give details about programme responses. Only four countries report on the actual levels of coverage country wide – Egypt, Congo, Tanzania and Mali. The report from Tanzania is particularly dispiriting, since it documents a significant deterioration in provisions over recent years. It is interesting to note that in each of these four cases, the levels of provision reported are significantly lower than those reported in the State of the World's Children. Egypt, for instance, reports that 30% of the

population has adequate sanitation, while SWC says 94%. The countries that fail to mention water and sanitation are not necessarily those that have adequate provision. The Philippines, for instance, mentions water only briefly as a component of nutrition, and sanitation not at all, despite the fact that provision was far from universal at the time of the report.

Only three countries (India, South Africa and Tanzania) mention distance from water sources as a concern and discuss the associated time burdens. Only India and South Africa refer to the quality of sanitation provision and to its maintenance. Only three countries mention waste removal, and South Africa refers to concerns about children scavenging in waste dumps. Drainage is mentioned nowhere, but it is possible that both waste removal and drainage are considered to come under the general umbrella of sanitation.

Although a number of countries mention health promotion and education, only two make specific reference to education in hygiene and environmental health. India is the only country that draws attention to the significant connections between malnutrition and environmental health and hygiene.

Pollutants and Toxics

Few countries refer to this critical issue. South Africa mentions air pollution related to vehicle exhausts and the contamination of rivers by sewage. New Zealand describes a programme designed to promote smoke-free environments for babies; and India refers to programmes that address pollution and hazardous wastes, but provides no details. Russia acknowledges increases in illnesses related to toxic wastes, but describes no responses. Only Finland addresses the topic in any detail, outlining concerns about indoor and outdoor air quality, mildew in child care centers and homes, noise pollution, and a range of responses to these issues, including research on effective preventive measures.

Safety and Injury Prevention

Injuries and injury prevention are largely overlooked in the country reports. Cambodia mentions the problem of injuries related to landmines, and Mali acknowledges that many children's disabilities are related to household accidents. But only Finland, Canada and New Zealand give real attention to the issue – a reflection of the fact that injuries tend to be taken more seriously in those countries where disease is well controlled. These countries describe a range of preventive measures, including attention to product safety, safety standards for homes, for traffic and for public facilities, training for health workers, awareness-raising campaigns and national injury surveillance networks.

Housing

Adequate and secure housing promotes the stability of families and the health and optimal development of children – but remains a critical problem for vast numbers of families worldwide, both in high and low income countries. Thirteen of these 20 countries mention housing, but some of them only in passing. A few countries describe dire living conditions, but do not point to housing specifically. Some

countries refer to efforts to improve living conditions, but do not indicate whether or not these efforts have a housing component. Only seven countries describe specific programmes to address housing problems: three high income countries (Canada, Japan and Finland) describe a range of loans, subsidies and social housing programmes to meet the needs of their low-income populations; Saudi Arabia describes a system of land grants for housing; and India and Colombia mention some more limited social housing programmes. Russia reports on a particular issue – the need for housing subsidies to facilitate the transition from a communal housing system.

Although the Convention and the reporting guidelines refer briefly to housing under the right to an adequate standard of living, there appears to be some confusion among States parties on this front. Many countries, in their reports, treat the “standard of living” as a concept that pertains only to livelihoods and economic security. In some cases, if housing is mentioned at all, it is under other reporting categories. Both India and South Africa, for instance, discuss housing as an aspect of the civil right to privacy, rather than as a component of an adequate standard of living. South Africa’s housing problems are well known, and there are a number of innovative programmes addressing housing needs; yet the only reference to housing in the entire report is the following: “In addition to abuses in the criminal justice system, socio-economic conditions also affect the right to privacy. Children living in informal settlements usually share a room with the entire family. Homeless children are in a worse condition, without security of shelter or the luxury of privacy.” Although the right to privacy is a real concern, it surely cannot be considered to have greater significance than the fundamental human right to secure housing, which underpins so many other rights.

Only one of the countries surveyed mentions evictions: India’s report notes that slum and pavement dwellers may be subjected to harassment and eviction because of their unauthorized occupation of city roads and public and private property. However, the report describes no official position on the subject and no responses. Evictions are a major human rights concern in a number of the countries reviewed here, yet they appear not to be viewed in these reports as a children’s rights issue. Overall, the response in these reports suggests a general lack of comprehension of the relevance of housing quality, access to housing and security of tenure for children’s well being and for the realization of children’s rights.

War, Disaster, Displacement

A number of the selected countries have experienced unrest, armed conflict or natural disasters, resulting in displacement for large numbers of people over the periods covered in the reports. In some cases – the Congo and Cambodia for instance – the severity of the situation is such that it undermines the capacity to address children’s rights, or even to evaluate conditions for the purposes of the report. In Cambodia, at the time of this report (1998), 36% of the children in the country were estimated to be vagrants – with very few centers available to provide for them. In the Congo, armed conflict and economic crisis mean that 80% of the

population is currently estimated to be living at an extremely disadvantaged level. Few responses to these situations are described.

In the Philippines, by contrast, measures to protect children and their families are described in some detail. In areas experiencing armed conflict, it is required by law that children be given priority in the event of evacuation, that other family members be housed in the same premises whenever possible, and that schools, health centers and other public buildings not be used for military purposes. Shelter is also provided for families made homeless by natural disasters – the shelters being made of indigenous materials and designed to withstand high winds and moderate earthquakes.

Four countries describe responses to refugee children and families that include temporary or longer term housing. Russia offers temporary housing, housing loans, and priority in housing placements, Japan and the Philippines refer to the provision of housing for refugee children, and Finland describes home-like reception centers.

Environmental Degradation

Environmental degradation is a global issue with immediate ramifications for millions of people. India's report refers to the fact that environmental degradation increases daily workloads, and contributes to migration and to the numbers of people living in untenable conditions within cities; Cambodia mentions the effect that landmines have had on agriculture; and South Africa speaks of forestry programmes to provide fuel wood for households and to counter deforestation. But otherwise this significant issue receives no attention in these reports.

Geographic Disparities

Almost half of these reports refer to geographical disparities as an obstacle in the realization of children's rights. In some cases, these disparities are related to physical conditions – primarily to the challenge of providing services to remote areas that are hard to reach whether because of difficult terrain, flooding or limitations in transport. A few countries mention mobile health, library or birth registration units as a solution (or a lack of them as part of the problem).

Play, Recreation and Neighbourhood Space

Most countries refer to formal programmes and activities for children and adolescents, and in some cases a wide range of these, including children's clubs, sports centers and competitions, cultural programmes and summer camps. But most often, specific attention to the material or spatial supports necessary for recreation and play is not mentioned. For some countries (Colombia is an example) formal activities are described primarily in terms of their educational value. Some reports (for example Nicaragua and Cambodia) make no mention at all of any leisure activities or supports for children, or refer only to the failure to implement this right; it is perhaps understandable in the case of countries so poor or so torn by war, unrest or disaster that issues of leisure might be considered to

fall far down on the list of priorities. The Congo's response to Article 31 consists chiefly of a description of the dangers of uncensored cultural activity.

Only India and Costa Rica explicitly acknowledge the need to support spontaneous, informal play. India refers to the developmental significance of informal play in children's lives, and points to a range of physical factors that undermine this right, including crowded conditions, the drudgery imposed by poor provision or environmental degradation (especially for girls) and the lack of open space and green space. Meeting the need for play, India argues, has to be specific to local conditions and preferences. This is the only reference within the selected reports that comes close to acknowledging the need for children to have a role in this regard. Costa Rica makes the interesting observation that the intolerance of neighbours to noise can challenge children's right to play, and notes that "the State and civil society must preserve, respect and encourage a tolerant attitude among adults with regard to the annoyance that they may naturally be caused through the exercise of this right by children and young people." The report notes that over 86% of the population is in fact aware of children's right to play.

Although their reports lack specific statements reflecting this high level of awareness, a number of other countries do describe practical measures that effectively support the right to play and improve the quality of neighbourhood life. Saudi Arabia and Finland, like Costa Rica, require that a certain amount of space, either around dwellings or within the community, be reserved and maintained for play and recreation, with Costa Rica focusing its attention on poor areas. Japan supports the opening of parking lots, sections of road, company grounds and idle land for children's play, as well as expanding more traditional recreational facilities for children. Tanzania prohibits any intrusion into areas reserved for children's play. Egypt and Saudi Arabia both mention the establishment of parks for children and families to address the lack of green space in urban areas. The most comprehensive response to neighbourhood space is described by the Philippines, where communities are required by law to provide not only playgrounds and parks, but a multipurpose hall, multipurpose pavement, plaza, sports centre and other similar facilities, as well as an information and reading centre at the barangay level.

Schools

Almost half of the selected country reports refer to the lack of school facilities or the shortage of classroom space as a significant problem. In Tanzania, the Congo and Cambodia, this alone accounts for the lack of access to education for many (sometimes most) children; both Cambodia and Tanzania claim that classes of over 80 are the norm. Only one country, Egypt, specifically discusses distance from school as an issue, and describes the establishment of community-based one-room schools for girls as a partial solution. A number of countries point to serious disrepair and the lack of materials and equipment as an obstacle to schooling. Environmental health within schools is not generally discussed – only two countries refer to health standards within schools. The actual planning and management of school facilities is mentioned by only one country – Canada refers

to the legal right of its aboriginal communities to physical school settings that are culturally appropriate and locally managed.

Six countries refer to environmental education or awareness at some point in their reports, but only four mention relevant curricula within schools. Finland claims that an awareness of environment is incorporated into all school subjects, India points to the need for curricula that are more responsive to local environmental conditions, and South Africa and Nicaragua mention greening projects within schools (see under participation).

Physical Conditions in other Institutions

The most thorough responses in these reports regard the provision for children in conflict with the law – undoubtedly because the Convention and the reporting guidelines place detailed emphasis on this issue. However, there is generally little information on physical conditions. Most countries do refer to “conditions” within relevant facilities, but since these references are usually not specific, it is hard to tell whether they include physical living conditions. Turkey and Saudi Arabia speak of requiring “comfortable” or “home-like” surroundings, but offer no details.

There are a few exceptions with regard to such specificity: Bolivia, for example, describes truly horrendous physical conditions with no protections for children, who are placed in adult facilities where even access to a cell or bed must be purchased. South Africa speaks of the absence of a separate system for children, and notes concerns about poor sanitation, invasions of privacy and the widespread use of isolation cells. Japan is the only country that describes in any detail the positive provisions made for children in this regard: a neat, quiet environment, a single room where possible, privacy in washrooms, the provision of clothing, bedding and so on, but with an acceptance of the use of personal possessions. Several countries note the existence of regulations and standards, but acknowledge that a lack of resources make them impossible to implement. In a number of cases, the specific standard in question regards the physical separation of children from adult prisoners. Only New Zealand argues that there are positive reasons for detaining children with adults, including a better chance of placing them close to their homes communities to facilitate reintegration.

Conditions within other facilities, such as child care centers and alternative living arrangements for children, receive relatively even less attention. India refers to the importance of safe, stimulating child care environments for children and the expectation that they should have livelier surroundings than would be the case if they were left home with siblings or grandparents. Russia refers to its difficulty in meeting standards. But only Japan and Finland refer specifically to such factors as environmental health in institutions, safety measures, standards for construction, for equipment, for sanitation control, and regular inspection to determine compliance on these fronts.

Children with Disabilities

For a large percentage of children with disabilities, environmental modifications of various kinds can make a significant difference to the capacity to live full and independent lives as integrated members of their communities. While most of the countries surveyed acknowledge the needs of children with disabilities and describe measures taken on their behalf, few give explicit attention to physical accessibility and modifications. Turkey's report is especially interesting in this regard. While it devotes 8 pages to children with disabilities, these are almost exclusively on the subject of training and education. The physical environment responses described consist of 1) a circular sent to hospitals requiring that they make the necessary modifications for accessibility (no indication of standards or follow-up); and 2) an indication that studies are under way to consider modifications for access to school buildings and public facilities.

Most of the relevant responses from other countries regard access in the public domain. In the Philippines, New Zealand, Russia and Finland, the needs of disabled children are broadly recognized in building and transport regulations that emphasize accessibility – although Russia acknowledges the need for time and resources to address this fully. In Saudi Arabia, voluntary organizations provide accommodation and transport for people with disabilities, and there are allocated parking areas on public roads. Japan, Canada and Costa Rica describe specific provisions to make schools accessible to children. Only three countries describe housing-related provisions for children with disabilities: Canada and New Zealand underwrite relevant adaptations to the home environment and Russia provides material assistance for housing and transportation to families with disabled children.

Several countries acknowledge the inadequacy of their response. India, for instance, estimates that 98% of disabled children lack any real access to services and to the public domain, and makes the point that the available mobility aids are of little use in rural areas.

Working Children and Street Children

Responses to the physical conditions experienced by these groups of children are typically quite limited. Ten countries refer to laws defining, at least to some degree, the physical conditions under which children can work, in many cases by listing prohibited activities rather than defining acceptable conditions. Of these countries, only India, the Philippines and Nicaragua describe implementing these laws through inspection, or providing programmes to improve conditions or to provide children with safer work. In South Africa, there is an acknowledgement of both hazardous work conditions for children, and the practical difficulties in responding adequately.

Only Nicaragua, the Congo, Cambodia and Russia refer to the poor living conditions or risks faced by children on the street, and even here it is not clear whether physical conditions are intended. Cambodia and Nicaragua refer to programmes to provide shelter for some of these children.

Participation

Remarkably few countries make any reference to children's active participation in shaping their environments. South Africa and Nicaragua, as mentioned above, involve children in local environmental projects; and in Finland, following on Habitat II, children are recognized as active agents who must be heard and whose needs must be taken into account in planning and decision-making concerning the environment in which they live.

Culture and Environment

A few countries see environmental implications in children's right to enjoy their culture. Bolivia and Canada both recognize the rights of indigenous people to land, and Canada specifies the connection between this and such culturally significant activities as hunting and fishing. Canada also, as mentioned above, promotes the right of indigenous communities to self-managed and culturally appropriate school settings.

Overall, States parties give limited attention to the physical environment in their reports to the Committee. To some degree, this is a function of what is requested in the reporting guidelines, which, as discussed above, tend to be explicit about only a few physical environment factors. In most cases, when information is not explicitly requested, it tends not to be offered.

But even many of the explicit requests for information in the guidelines are not addressed in these reports. The guidelines request information on the proportion of children affected by a lack of clean drinking water, for instance, and only four countries in this sample offer that information. They request information on risks from environmental pollution and the measures taken in response; four countries mention pollution of one kind or another, and only two refer to responses.

Although most countries tend not to volunteer information that has not been requested, this is not always the case. Some countries go beyond the requirements of the guidelines, showing evidence of careful thought about a particular issue. Rather than simply listing formal programmes and activities for children and young people, for instance, India and Costa Rica consider problems that interfere with children's right to spontaneous play in their local surroundings. Instead of reporting just on the proportion of children with access to safe water, South Africa, India and Tanzania discuss the problem of distance from water supplies – a factor that can complicate life for caregivers and make it difficult for child water carriers to attend school.

4. The Responses of the Committee

The responses of the Committee to any particular country report are necessarily calibrated to the resources and overall situation of that country, and it is reasonable to expect that different environmental standards and recommendations might be brought to bear in different cases. But there are certain trends and/or

inconsistencies that are interesting to note, and that attest to the Committee's underestimation of the significance of the physical environment to the realization of rights.

Water, Sanitation, Drainage, Waste Removal

The Committee expresses concern over the provision of water and sanitation in its responses to South Africa, Colombia, the Congo, Mali, Dominican Republic, Tanzania and India, all countries that have themselves noted these issues as concerns. There is no mention of these factors, however, in some other countries that also have pointed to significant problems in these areas (Bolivia, Nicaragua, Cambodia for example). Concern about parasitic and infectious disease is noted for Russia and Egypt, but these are not related by the Committee to the level of basic service provision. Drainage and waste removal are never referred to, and concern for hygiene education is expressed only in the case of Turkey – despite the fact that only one country (Russia) describes active attention to education in hygiene, and that another (Tanzania) points to the lack of understanding among its population of the faecal-oral transmission of disease.

Housing

The Committee expresses concern regarding housing for children, or makes recommendations regarding housing, in its comments to five countries (India, the Congo, Colombia, Canada and the Dominican Republic). It also refers with concern to living conditions in Russia, and for minorities in Costa Rica, but without specifically mentioning housing. All of these, with the exception of Costa Rica, are countries that themselves expressed concern regarding housing in their reports. In the case of India, the Committee encourages the prevention of forced relocation and displacement, and recommends that resettlement programmes include access to basic services.

War, Disasters and Displacement

The Committee remarks on the burden created by natural disasters in Turkey, the Philippines and Nicaragua – where it specifically mentions the landmines that were turned up by Hurricane Mitch. It also expresses concern regarding the threat posed by landmines in Bolivia and Cambodia. In addition, the Committee states its concern about the large scale displacement of children and families in Colombia due to armed conflict, and the destruction of educational and health infrastructure, water systems and housing.

Schools and other Institutions

The Committee expresses concern over the physical conditions in schools in five cases (the Congo, Nicaragua, Mali, India and the Dominican Republic) and recommends attention to both overcrowding and poorly maintained facilities. In the case of the Congo, free transportation for children living at a distance is also recommended. All of these countries, with the exception of Nicaragua, had

themselves drawn attention to problems in these areas – but so had a number of other countries to whom it is not mentioned.

In a number of cases (Russia, Bolivia, Cambodia, Nicaragua, Mali, India, Tanzania), the Committee expresses general concern over the living conditions of children in detention and in alternative care institutions, and in a few of these cases it specifies particular concerns – for example, overcrowding and unsanitary conditions for children in detention in India, and overcrowding in Mali's facilities. Of these countries, only Cambodia did not itself report concerns about these issues. In a few cases the Committee expresses concern at the lack of separation of children from adults in detention facilities, and in its response to Finland, it remarks on children being placed in the same hospital wards as adults.

Geographic Disparities and Disaggregation of Data

The Committee notes geographic disparities in children's well-being or in provision for children in the case of seven countries. It recommends disaggregation of data to reflect different living conditions in South Africa and India and locally-based systems for data collection and monitoring in Colombia and Dominican Republic. It also recommends mobile birth registration units in India, Mali and Tanzania.

Disabled Children

The Committee recommends improved access to services for disabled children in India, and to inclusion in schools for those in Colombia, but without indicating whether inclusion involves physical access in either of these cases. It expresses concern regarding poor conditions in institutions for children with disabilities in Russia, but again without specifying whether physical conditions are the issue.

Street and Working Children

The Committee expresses concern over the exposure of working children to hazardous conditions in Egypt and the Congo and recommends enforcement of regulations. It recommends measures to provide shelter for street children in India and Tanzania, and expresses concern at the risks faced by street children in Colombia, but without specifying physical risks. In most of these cases (with the exception of the Congo on the issue of children working in mines) these are not concerns that the countries in question have raised.

Pollution and Toxics

The committee recommends greater attention to air pollution in South Africa, but otherwise makes no reference to issues of pollution or toxic wastes in response to any of these reports. South Africa is one of only four countries in this sample that refers to pollution in its report.

Safety Measures and Injury Prevention

The Committee makes no reference to safety concerns or to injury prevention, except with reference to working children.

Play, Recreation and Public Space

The Committee makes no reference to play, recreation or public space in response to any of the selected reports.

Based on this limited sample, it appears that the Committee overlooks a number of significant physical environment factors in its concluding observations – among them areas of concern that are explicitly defined in the reporting guidelines. In particular, the complete absence of response to issues of play and recreation and to injury prevention, and the very limited response to pollution and toxics is noteworthy. The fact that reporting countries tend for the most part to overlook injuries and pollution would appear to be a reason for the Committee to raise these issues rather than to overlook them.

Those areas to which the Committee does respond tend to receive mixed and rather unpredictable attention. It may respond with concern to a situation in one country, but overlook a very similar situation in another. In most cases it responds to issues that reporting countries have raised themselves, but in some cases it comments on issues they have failed to mention. In general, however, if a country fails to report on a requested physical environment category, the Committee tends not to draw attention to this oversight. It is difficult to comment on the choices the Committee makes in this regard without a clear understanding of its strategy. It seems possible that dialogue with country representatives during meetings, or input from the alternative reports, might explain apparent inconsistencies. However, it does appear on the face of it that the Committee gives little weight to the significance of the physical environment in its response to country reports.

5. Conclusions and Recommendations

The UN Convention on the Rights of the Child makes few specific references to the physical environments children occupy. However, the Convention's recognition of children's right to survival and full development, to non-discrimination, and to a regard for their best interests necessarily implies attention to the physical conditions that underpin these and other rights. If these physical conditions are not identified, acknowledged, responded to, monitored and reported on, responses to children's rights in many critical areas are unlikely to be grounded in material reality. Their right to health, for instance, offers little protection in the absence of clean water and sanitation; the right to play remains meaningless without safe places for play; and the right to grow up in a secure family environment is hard to ensure without reasonable access to decent housing.

In providing guidance to States parties for their country reports, the Committee is scrupulous in at least mentioning every specific environmental reference within the Convention. However,

- 1) it fails to provide the level of guidance on these specific references that it does in fact provide on a number of other issues; and

- 2) it does not help to make explicit the many environmental responses that are necessarily implied by the Convention's more general provisions.

The failure of the reporting guidelines to offer more detailed guidance on these issues leaves States parties free to overlook or avoid many vital areas in their reports, or to respond in ways that are less than fully informative on relevant provisions for children.

Some countries do, in fact, go well beyond the requirements of the Committee in this regard. India's attention to children's play and to the quality of water provision are excellent examples. It could be argued that States parties are free to respond on this more detailed and sophisticated level. But more explicit guidance on the part of the Committee could help countries to become more conscious of these rights issues in assessing their own situations, and could force attention to concerns that it is often more convenient for many countries to overlook. It is also clear that the lack of specific guidance can leave even well-intentioned countries confused in knowing how to assess and report on tangible problems and progress – South Africa's failure to report on its dire housing shortages and on some of the innovative solutions being undertaken in response is a case in point.

Although the Committee's specific requirements for environmental information are extremely limited, many countries fail to respond even to these very definite requests, omitting any reference even to such fundamentals as environmental pollution and water supply. The Committee's tendency to overlook such omissions is surely not helpful. Even if these issues have been raised in verbal discussion with country representatives, the failure of the written record to reflect these concerns can only be interpreted by the country in question as an indication of the relative insignificance of pollution, water, housing and other environmental factors, as rights issues for children. Although resources may prevent substantial improvement in some of these areas for some countries, a written acknowledgement of the significance of the issues could provide a prod to governments, as well as a source of support for those groups or organizations working to improve a situation.

There are two basic recommendations for the Committee:

- 1) That reporting guidelines be amended to offer clearer guidance on environmental concerns for children – on at least the same level that guidance is provided in other areas. In most cases this could be as simple as a clarification of the fact that there are environmental implications in many of the less explicit requests for information. A request for information on the establishment of appropriate standards for all institutions, services and facilities, for instance, could easily contain the phrase "including standards for the physical environment"; a request for information on measures to provide appropriate regulation of the conditions of work for children could include "both social and physical conditions". The more detailed and enlightened responses of certain

countries could be used as a guide for elaborating on requests for information.

- 2) That concluding observations note the failure of States parties to respond to requested information. Even if the Committee feels that substantial investment in sanitation, for instance, or attention to play, is unrealistic in a very poor country, a reminder that information on the situation is still expected sends a message to both government and civil society that such basic provision is in fact a child rights issue in the same way that juvenile justice is.

Even in the absence of more specific guidance and responses from the Committee, States parties genuinely committed to addressing children's rights and improving their situations, along with involved organizations, should recognize the critical significance of material conditions for children. Although attention to physical environment interventions tends to be resource intensive, experience has indicated that well-considered investment in these areas can yield substantial returns, both in social and economic terms. Environments that respond to children's rights tend to improve the quality of life for entire societies, to increase productivity and to reduce social tensions. The reporting process provides an excellent opportunity to assess problems in these areas, to plan at both local and national levels for constructive action, and to seek assistance and support based on national and international commitments to children's rights.

Country reports, organized by U5 mortality rank

Country	Initial or periodic	Date of report	Date of concluding observation	Under 5 mortality rank 2001
Japan	initial	Aug 1996	June 1998	187
Finland	2 nd periodic	Nov 1998	Oct 2000	175
Canada	Initial	July 1994	June 1995	165
New Zealand	initial	Oct 1995	Jan 1997	165
Costa Rica	periodic	Oct 1998	Feb 2000	146
Russian Fed	periodic	Nov 1998	Nov 1999	123
Saudi Arabia	initial	March 2000	Jan 2001	115
Colombia	periodic	Jan 2000	Oct 2000	100
Philippines	Initial	Nov 1993	Feb 1995	83
Nicaragua	periodic	June 1998	Aug 1999	78
Turkey	initial	Aug 2000	June 2001	77
Dominican Rep.	initial	Aug 1999	Feb 2001	76
Egypt	periodic	Nov 1999	Jan 2001	73
South Africa	initial	May 1999	Jan 2000	66
Bolivia	periodic	Dec 1997	Oct 1998	55
India	initial	July 1997	Feb 2000	49
Congo	initial	Aug 2000	June 2001	44
Cambodia	Initial	June 1998	June 2000	35
Tanzania	Initial	Sept 2000	June 2001	30
Mali	initial	Sept 1997	Nov 1999	5

