

Contents

1	Setting the Scene: From the Environment as an Object To Be Protected Towards an Environmental Right(s)-Based Approach—International and EU Law Perspectives	1
1.1	The Environment as an Object To Be Protected in International Environmental Law	2
1.1.1	The Accent on the Environment's Ability to Meet Present and Future Needs	7
1.2	International Human Rights Law and the Protection of the Environment as a Value of General Interest	9
1.3	The Environment as an Object to be Protected in European Union Law	16
1.3.1	The Environment as an Object to be Protected Under EU Action Programmes	16
1.3.2	EU Primary Law and the Integration of Environmental Protection: Criteria for Compliance with a High Level of Protection	19
1.3.3	... But Tempered	24
1.3.4	EU as a Global Actor for Climate Justice	30
1.4	A Progressive Shift Towards an Environmental Right(s)-Based Approach	33
1.4.1	Environmental Deprivation Undermining Existing Human Rights: Environment-Related Rights	33
1.4.2	Emerging Global Recognition of a Right to a Healthy Environment	37
1.4.3	Regional Recognition of a Right to a Healthy Environment Facilitated through Conventional Undertakings	44
1.4.4	More Difficult Recognition at European Level: The Different Techniques of the European Court of Human Rights	48
1.4.5	Attempts by the European Court of Justice	52

1.4.6	Beyond Human Rights: Possibilities for Recognizing Nature's Rights Under EU Law?	54
1.5	The Environment and Children: An Emerging Issue?	57
1.6	Research Aims: A Suitable Group-Specific Right to the Environment?	62
	References	65
2	The Convention on the Rights of the Child as a Basis for Environment-Related Children's Rights and the Committee on the Rights of the Child's Contribution to Their Expansion	73
2.1	Environment-Related Rights Protecting Children in the Convention on the Rights of the Child	74
2.2	Child: A Definition and Prospects of Interpretation Regarding the Lacunae	80
2.3	The Environment as an Explicit Determinant of Health (Article 24 CRC)	84
2.3.1	Article 24 CRC in Practice—From Phase One: Raising Awareness of Environmental Concerns and the Need for International Cooperation	86
2.3.2	To Phase Two: Procedural Prevention and Substantive Regulatory Due Diligence	91
2.3.3	To Phase Three: Environmental Rights for Children	96
2.3.4	To Phase Four: Climate Change Impacts Becoming Mainstreamed in Concluding Observations	97
2.3.5	Climate-Related Petitions by Children: <i>Sacchi et al.</i>	103
2.4	The Environment as a Value in Education (Article 29 CRC)	116
2.5	The Environment as a Factor Contributing to an Adequate Standard of Living (Article 27 CRC)	122
2.6	The Environmental Dimension of the Right to Rest, Leisure and Play (Article 31 CRC)	124
2.7	The Environment and the Guiding Principles of the CRC	129
2.7.1	The Non-discrimination Principle	130
2.7.2	The Principle of Child Participation	132
2.7.3	The Survival and Development Principle (Article 6 CRC)	136
2.7.4	The Best Interests of the Child as a Positive Procedural Obligation and Interpretative Principle	141
	References	153
3	A Child-Centred Approach Between the Lines of International and EU Environmental Law	169
3.1	The Rationale Behind a Child-Centred Approach to International and EU Environmental Law in the Watermark	170
3.2	Children as Resources to Be Used to Achieve Sustainable Development	174
3.2.1	Soft Law Dimension	175

3.2.2	Hard International and EU Environmental Law	181
3.2.3	The Regime of Corporate Social Responsibility: The UN Guiding Principles on Business and Human Rights	189
3.2.4	... and the Complementary Private Initiative of the UNICEF Children's Rights and Business Principles	194
3.2.5	... and a <i>de Jure Condendo</i> Mandatory EU Corporate Sustainability Due Diligence	196
3.3	Children as a Proxy for Future Generations	200
3.3.1	The Prodromic Roots in Child Educational Provisions	202
3.3.2	Information, Consultation and Participatory Rights: Between Generic and Specific Recognition in International Environmental Law	206
3.3.3	A Remediable Vacuum Regarding Child Participation in EU Law	212
	References	220
4	Children in Pursuit of Environmental Human Rights: Current Practice and Future Prospects	225
4.1	Environmental Human Rights: Children as Beneficiaries, Holders of Environmental Rights, and Proxies for Future Generations	226
4.2	Children as Beneficiaries of Environmental Protection as a Member of Their Family	231
4.2.1	The Relativization of the Individual Seriousness of the Risk Where Children's Absolute Right to Life Is at Risk	231
4.2.2	and Where Their Non-absolute Right to Private and Family Life Is at Risk	238
4.3	Children (and Future Generations) as Arguable Beneficiaries of Environmental and Climate Protection: Prospects of Non-governmental Organizations	243
4.3.1	The Inter-American Experience	243
4.3.2	The African Human Rights System in Prospect	250
4.3.3	The European Union: So Far Silenced Children before the EU Judiciary Bodies	255
4.3.4	... But with a Possible Enlargement of the <i>Locus Standi</i> Requirements for NGOs and Individuals after the Amendments to the Aarhus Regulation	259
4.3.5	... and Prospects of Indirect Protection from National Litigations and Third Party Interventions before the Court of Justice of the European Union	261
4.4	Children as Aspirational Holders of Environmental and Climate Human Rights	266

4.4.1	The National 'Win' Model of Children as Agents for Change and Proxies for Securing Future Generations' Rights	267
4.4.2	Children's Vulnerability as Interpretative Tool in the Human Rights' International Litigations Stretching the Perspective of Environmental and Climate Justice	274
4.4.3	Vulnerability and the Standing Requirements for the Victims	280
4.4.4	Vulnerability and the Minimum Proximity of the Factual/Causal Link as a Threshold Criterion of the New Extraterritorial Nexus	285
4.4.5	Vulnerability as a Fruitful Contribute to the Collectiveness and Intertemporality of Human Rights	289
	References	299
5	Concluding Remarks	309
5.1	Mind the Gap	309
5.2	Bridge the Gap	311
5.2.1	Children as Catalysts for a Human-Rights Turn to Ecocentrism	312
5.2.2	Children as an Intragenerational Alternative to Intergenerational Equity	314
5.2.3	Mutually Strengthening the Interplay Between International Children's Law, International Human Rights Law and International Environmental Law	320
	References	329
	Index	335