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CHILDREN'S ENVIRONMENTAL RIGHTS AND AGE DISCRIMINATION

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It is a well proved fact that environmental hazards produce more significant harms when children are affected. The main objective of this paper is to demonstrate that the 'right to equality and non-discrimination' offers an appropriate, meaningful and effective basis to protect children's environmental health. Doing so requires answering whether there is a strong connection between being children and being vulnerable to environmental degradation and if there is, whether anti-age discrimination law opens a possible avenue to challenge this health disparity. I will refer to two different sources of children's environmental vulnerability: the disadvantaged situation of children in comparison with adults (*as an age group*) (this is also true for elders) and particular disadvantage of the children who are recently born (as a birth cohort). I will argue that the ECtHR and the ECJ anti-age discrimination case law reveal that children can be protected *as an age group*. And there are at least two legal strategies to avoid birth cohort discrimination toward children: 2012 Commission v Hungary ECJ case strategy and 2014 Kaltoft v Municipality of Billund ECJ case strategy. I will then demonstrate the environmental implications of these cases by giving details about why this approach is significant and how it can be legally successful.