

CHILDREN'S RIGHTS IMPACT ASSESSMENT

Policy objectives

The overarching aim of the Bill is to bring forward measures that will contribute to improvements in the quality of the air environment in Wales and reduce the impacts of air pollution on human health, biodiversity, the natural environment and our economy.

The Bill needs to be seen in a broad context, and not in isolation. It:

- is a crucial part of a package of measures set out in our [Clean Air Plan](#) to reduce airborne pollution and improve the air environment in Wales;
- builds on a suite of existing legislation; and
- complements legislation to achieve appropriate soundscapes as set out in [Noise and Soundscape Action Plan 2018-2023](#).

By introducing this legislation, we also aim to maximise our contribution to the sustainable development principle of the Well-being of Future Generations Act 2015 (WFGA) to improve the economic, social, environmental and cultural well-being of Wales. The Bill is also firmly grounded in the seven well-being goals in the WFGA.

The Bill will facilitate improvements in the quality of our air environment at a Wales-wide level, at a local and regional level, and throughout society. It will also contribute to our response to the climate and nature emergencies, alongside efforts to reduce inequalities.

The proposals for the Bill have been developed taking into account how policy needs to contribute to the health and well-being of children and young people and be compliant with the rights of the child as set out in the United Nation Convention on Rights of the Child.

Gathering evidence and engaging with children and young People

We have gathered details of a number of studies and research papers on the effects of air pollution on young people as listed below.

Studies and Research Papers

- Association between air pollution and lung function growth in southern California children: Results from a second cohort. *Am J Respir Crit Care Med.* 2002.
- 166: 76-84. Gauderman WJ, Avol E, Gilliland F, Vora H, Thomas D, Berhane K, McConnell R, Kuenzli N, Lurmann F, Rappaport E, Margolis H, Bates D, Peters J¹.
- Childhood Asthma: Diagnosis and Treatment. Wim M van Aalderen²

¹ <https://www.ncbi.nlm.nih.gov/pubmed/12091175>

² <https://www.nejm.org/doi/full/10.1056/NEJMoa040610>

- The influence of ambient coarse particulate matter on asthma hospitalization in children: Case-crossover and time-series analyses. *Environ Health Perspect.* 2002; 110: 575-581 Mei Lin, Yue Chen, Richard T. Burnett, Paul J Villeneuve, Daniel Krewski.³
- An association between fine particles and asthma emergency department visits for children in Seattle. *Environ Health Perspect.* 1999; 107: 489-493., Norris G, YoungPong SN, Koenig JQ, Larson TV, Sheppard L, Stout JW.⁴
- Air quality and pediatric emergency room visits for asthma in Atlanta, Georgia. *Am J Epidemiol.* 2000; 151: 798-810. Tolbert PE, Mulholland JA, Macintosh DL, Xu F, Daniels D, Devine OJ, Carlin BP, Klein M, Butler AJ, Nordenberg DF, Frumkin H, Ryan PB, White MC⁵
- Effects of ambient air pollution on symptom severity and medication use in children with asthma *Ann Allergy Asthma Immunol.* 2003; 91: 346-353. Slaughter JC, Lumley T, Sheppard L, Koenig JQ, Shapiro, GG.⁶
- An analysis of the association between respiratory symptoms in subjects with asthma and daily air pollution in Spokane, Washington. *Inhal Toxicol.* 2004; 16: 809-815; Peel JL, Tolbert PE, Klein M, Metzger KB, Flanders WD, Knox T, Mulholland JA, Ryan PB, Frumkin H.⁷
- Ambient air pollution and respiratory emergency department visits. *Epidemiology.* 2005; 16: 164-174. Szyszkowicz M, Kousha T, Castner J, Dales R⁸
- [Clean Air Day 2020: Air pollution and children's learning \(philips.co.uk\)](https://www.philips.co.uk/clean-air-day-2020)
- World Health Organization. Regional Office for Europe. (2011). Burden of disease from environmental noise: quantification of healthy life years lost in Europe. World Health Organization. Regional Office for Europe. <https://apps.who.int/iris/handle/10665/326424>

Children and young people were a target audience for the consultation exercise on the draft Clean Air Plan (which comprised the original proposals for the Environment (Air Quality and Soundscapes) (Wales) Bill). Officials attended a meeting of the Wrexham Youth Parliament on 24 February 2020 to seek feedback on the Plan. Their concerns centred on reducing the exposure of young people to air pollution. During discussions they said they were less interested in frameworks or policy change than they were on practical changes they could make in their day-to-day activities and communication around how changes are being made and the impact those have. This directly influenced the Bill by giving more impetus on a duty to promote awareness of air pollution.

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240873/>

⁴ <https://www.ncbi.nlm.nih.gov/pubmed/10339450>

⁵ <https://www.ncbi.nlm.nih.gov/pubmed/10965977>

⁶ <https://www.sciencedirect.com/science/article/abs/pii/S108112061061681X>

⁷ <https://www.researchgate.net/publication/51366198>

⁸ <https://www.ncbi.nlm.nih.gov/pubmed/29459308>

With regards to future targets work and the proposed next Clean Air Plan for Wales, there will be a greater focus on practical measures and engagement with young people on how they can make a difference. More comprehensive feedback is contained in the [Clean Air Plan summary of response document](#). We also worked with UNICEF in the development of proposals.

In October 2022, we established links with the Children’s Rights Advisory Group on our proposals for the Bill and best practice to achieve a children’s rights focussed approach to implementation. We continue to draw on the expertise of the group through the Bill process and in relation to implementation.

We have also engaged directly with the Children’s Commissioners office during the development of proposals for the Bill to seek their feedback and views. We will continue this working relationship as we progress through the Bill process and move towards implementation. The Children’s Commissioners office have been invited to sit on the Clean Air Advisory Panel for Wales. This will ensure the voice of young people can be taken account of as we develop and implement our current and future policy to achieve air quality improvements.

Analysing the evidence and assessing the impact

Evidence shows children are sensitive receptors to air pollution. This means that children and young people can suffer greater ill-effects from breathing in poor quality air than adults.

Evidence also shows that areas of multiple deprivation tend to exhibit higher levels of air pollution and noise annoyance. We anticipate implementation of the Environment (Air Quality and Soundscapes) (Wales) Bill will lead to positive impacts on the health and well-being of children living in poverty in terms of their overall health and well-being. The impact of implementing the Bill on children and young people will be assessed during implementation, for example when targets are being set under the national air quality targets regulations.

The proposals within the Environment (Air Quality and Soundscapes) (Wales) Bill will maximise the right to health by reducing air and noise pollution and the associated risks to children’s health and educational attainment. All available evidence indicates that improvements in the air environment lead to better health outcomes for children and young people.

Our proposals enhance the rights of the child as stipulated by the UNCRC articles and its Operational Protocols as set out below.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
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<p>Article 3</p> <p>Best interests of the child</p>	<p>X</p>		<p>Under Article 3, we have ensured the development of the Bill's proposals have been consistent with article 3. Evidence shows children are sensitive receptors to airborne pollution. The proposals in the Bill, when implemented, will result in improvements in air quality in Wales which is in the best interests of children and young people who live in Wales and who visit Wales. Going forward, we will ensure the best interests of the child are a key consideration in terms of implementation of the Bill.</p>
<p>Article 6</p> <p>Life, survival and development</p>	<p>X</p>		<p>A good air environment supports the achievement of article 6 as improvements to air and soundscape quality supports the health of children and young people and ensuring their inherent right to life.</p>
<p>Article 12</p> <p>Respect for children's views</p>	<p>X</p>		<p>During the development of the Clean Air Plan, we sought the views of children and young people at the Wrexham Youth Parliament. Views expressed at that session were taken into consideration when developing the proposals for the Bill. We will seek out and provide opportunities for children and young people to provide their views as we implement the Bill. We will continue to work with the Children's Rights Advisory Group to seek advice on how best to achieve a children's rights-based approach to implementation.</p>
<p>Article 13 Freedom of expression and Article 17 Access to information</p>	<p>X</p>		<p>Implementation of the duty on Welsh Ministers to promote awareness of air pollution will ensure children and young people have access to high quality data and information. Through implementation of the promoting awareness duty, we will work with children and young people and their representatives to identify and provide information, tools and opportunities to ensure all children</p>

			and young people are confident in their understanding of air pollution sources, impacts and mitigating actions.
Article 23 Children with a disability	x		Evidence shows that children are sensitive receptors to air pollution. Evidence also shows that people with certain underlying or chronic health conditions such as asthma or lung disease are also more susceptible to the effects of air pollution. The Bill, when implemented, will improve air quality in Wales which may improve the quality of life of disabled children, particularly those who suffer from respiratory impairment.
Article 24 Health and health services	X		The Bill aims to reduce the impact of poor air quality and noise on children's health which may also reduce pressure air pollution related pressures on health services.
Article 27 Adequate standard of living	X		The Bill aims to reduce the impact of poor air quality and noise on children and young people's health by reducing the potential for airborne pollution to cause developmental harm to young people.
Article 31 Rest, play, culture, arts	X		The Bill will support improvement to air and soundscape quality which will help to improve the quality of and children's experience of outdoor recreational activities.

Ministerial advice and decision

Our CRIA findings and analysis have been integrated into our ministerial advice to inform their decision.

Communicating with Children and Young People

We have engaged with the Children's Rights Advisory Group on the Bill's proposals and have discussed with them the best way of engaging with children and young people through the implementation of the Bill to ensure we adopt a Children's Rights based approach. That contact will be maintained through the Bill process and through implementation. We will also continue to engage directly with the Children's Commissioner throughout the implementation process to ensure we can use all

available channels to communicate with children and young people. Full consultation will be required to implement certain elements of the Bill and children and young people or their representatives will be fully engaged with this process. We are also intending to promote information related to the Bill through appropriate channels, for example, we are considering options to use [Hwb](#) to communicate with schools. However, any approach will be evidence based and consider the most appropriate mechanisms to engage with children and young people.

Monitoring and Review

The Clean Air Programme tracks, and reviews policies related to clean air and the Clean Air Plan for Wales. This programme will continue to oversee the implementation of the Bill as well as existing air quality and soundscape policies. If any information or evidence is received through this process which will affect children and young people's rights, the document will be reviewed and amended if appropriate.