



Environmental Rights of Children and a General Evaluation of Environmental Education in Turkish Educational System^{*}

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ABSTRACT. Environmental pollution that started after the industrial revolution has affected not only the adults but also the children. In order to protect the children from the disquieting environmental effects, the Convention on the Rights of the Child (CRC) includes some explicit and implicit provisions (such as art. 6, 27, 28, 29). The aim of this paper is to evaluate these provisions with regards to Turkish Constitution, the Environmental Laws, and other related laws. The paper will also focus on the history and structure of CRC and also some cases, such as Öneriyıldız v. Turkey, Lopez Ostra, Gabcikovo-Nagymoros, The Philippine Children's Case, concerning the recognition of the environmental rights of children. This paper will also refer to the Turkish Educational System in terms of environmental education. The acquisitions of environmental issues are examined in life studies, social studies, social activities, science and technology, biology and international relationships lessons of elementary and secondary education. The evaluation aimed at this paper is made under major categories in order to limit the focus of the paper.

Key words: Environmental rights, children's rights, environmental education

INTRODUCTION

“One out of every five children living in the poorest regions of the world perishes before they turn five because of environmental pollution. The UN 2007/2008 Human Development Report points out: Decades of achievements by developing nations in eradicating poverty would be wasted if no immediate action is taken (to address the environmental issues) and may even set them back some years.” (United Nations Human Development Reports, 2010)

As mentioned in this quotation all people but especially children are affected by environment. Because of the importance of the subject, environmental rights of children will be examined within the context of human rights. So in part one, right to environment will be discussed within the context of human rights conceptually with the views of the school of thoughts. This theoretical discussion will be supported with the court decisions concerning with the environmental rights of children. In part two Convention on the Rights of the Child (CRC) and its provisions concerning with the right to environment will be examined. Moreover, Turkey's becoming a party to this convention and environmental regulations in Turkish law system will briefly be touched upon in this section. In the last part, Turkish education curricula will be evaluated generally within the context of the right to environment and environmental problems.

PURPOSE OF THE RESEARCH

The aim of this paper is to search the children's environmental rights theoretically and the reflection of this right to the international court decisions and Turkish Education Curricula. On this ground the paper is limited the concept of environmental rights, school of thoughts concerning this right, examples of court decisions, related provisions of United Nations Convention on the Rights of the Child, and environmental education in Turkish education system. Environmental education in Turkish system is examined only via the acquisitions which are mentioned in curricula.

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METHOD

This paper is written as a review. The data, used in this paper, is collected via examining doctrine, court decisions and curricula of some lessons which include some environmental issues. The acquisitions which are mentioned in the curricula are summarized in the tables.

ENVIRONMENTAL RIGHTS

Environmental conditions are components of human rights. Galtung (1994) acknowledges that claim in his explanation “there is a high need for livelihood, for which an ecologically stable environment with a high level of biodiversity is a necessary condition” (Hancock, 2003). Also Soveroski accepts that environmental right should be evaluated within the concept of human rights generally. Despite the fact that the connection between human rights and the environment began to be noted, the link was not immediately drawn. Because international law primarily focused on damage inflicted on the planet, including plants, animals and eco-systems, while human rights law focused on human beings. (Soveroski, 2007).

MacDonald states that environmental rights are related to environmental standards or protection. Environmental rights are concerned with the right to protect human health, private or common property and natural environment from damage or potential damage sourced through the environment. In this context there are two main approaches in the theory of environmental rights: anthropocentric and ecocentric approaches (MacDonald, 2007). In anthropocentric approach, “human” is accepted as the main value while in ecocentric approach “biosphere” is accepted as the main value (Turgut, 2001). When children’s environmental rights are anthropocentrically interpreted, they regard human life as the main element of environmental rights for the intrinsic benefit of the environment per se. MacDonald claims that in order to enhance the life of children or achieve a direct benefit to children, concept of environmental rights should be interpreted anthropocentrically (MacDonald, 2007). Besides these approaches there is a debate about the dimensions and limitations of the notion of environmental rights. The focus of the debate is formulation of the environmental rights: are these rights only for achieving healthy, clean or safe environment or are they only for a way determining environmental standards? Although this debate is beyond the scope of this paper, it should be stated that some procedural rights are granted to people in order to enable of the fulfillment of some necessities which are in the dimension of the scope of the duty. These procedural rights are related to each others extremely and there is a priority-following or preceding this relationship in the context of these rights. (Fitzmaurice, 1999; MacDonald, 2007; Turgut, 2001).

In regard to the relationship between human rights and environmental rights there are broadly four main schools of thought.

The first school argues that there are no human rights without environmental rights as environment is *sine qua non* for the existence of other human rights (Fitzmaurice, 1999). In parallel to this view, Ksentini’s Report (prepared by Fatma Zohra Ksentini for United Nations Commission on Human Right, Sub-Commission on Prevention of Discrimination & Protection of Minorities, Human Rights and the Environment) points out the relationship between right to environment and right to life, right to health, right to food and etc. Also in the Lopez Ostra v. Spain (App.No.16798/90, 20 Eur. H. R. Rep. 277, 1994) and Öneriyildiz v. Turkey (48939/99, 39 Eur. H. R. Rep. 12, 2002) cases, examined hereinafter, the same point of view has been accepted.

The second school of thought reinterprets existing human rights. As MacDonald states:

“Following Anderson, such a re-interpretation would require that specific environmental criteria be created to determine whether the human rights standards in question are being met in terms of environmental goals. For example, it would not suffice to argue that the right to life cannot be fully realized if the environment is degraded, but that practical means of implementation, enforcement and standards are needed, such as emission and effluent limits, in order to fully articulate the right to life,

and other existing rights, and to give them substance, in terms of environmental objectives.” (MacDonald, 2007).

The third school of thought creates a new, third generation rights such as the “right to a clean environment” which can also improve the environmental rights of children. However, the difficulty of determining the definitions, limitations and standards of such a right is criticized in some debates (MacDonald, 2007).

Finally, MacDonald claims that there is a relationship between environment and first generation civil and political rights and second generation economic social and cultural rights as a hybrid school of thought. She illustrates her argument by stating that if one cannot breathe clean air, one cannot live adequately or if one is not educated (formally and informally about the environment) one cannot assist in its conservation. These examples of the rights of life, education and health impose both positive and negative obligations not only to states but also to individuals in order to reinterpret existing rights and determine new criteria for meeting environment standards (MacDonald, 2007).

Although the right of environment has not universally defined yet, it has been accepted that the implementation of the right to environment is a precondition to the realization of all other fundamental rights and freedoms. In this context many proponents have linked this right to life and to respect for private and family life (privacy) or to procedural rights such as access to information, participation and access to justice. They also mention that everyone has this right as well as the other inhabitants of the natural world, such as birds, dolphins etc. though they do not have human rights possess this right (Pevato, 1999). That’s why this right is accepted as a collective right (Schorn, 1999).

Court Decisions Related to Environmental Rights of Children

Besides these theoretical opinions, there are also various judgments which are decided by international courts concerning the environmental rights of the children. These cases are important not only for evaluating the environmental rights as human rights but also for accepting the existence of the environmental rights of children. Four of these cases are examined (Öneryıldız v. Turkey, Lopez Ostra, Gabcikovo-Nagymoros, The Philippine Children’s Case) below:

Öneryıldız v. Turkey

The applicant, Maşallah Öneryıldız, is a Turkish national who was living with 12 close relatives in the slum quarter of Kazım Karabekir in Ümraniye (Istanbul), brought the case in his own name and on behalf of his three surviving children. He claimed that Turkish authorities were responsible for the death of 13 members of his family and for the destruction of his property as they did not take the necessary actions against the methane-gas explosion at a municipal landfill. Right to life is protected under article 2 of European Human Rights Convention, however Turkey has breached this provision “on the grounds that a violation of the right to life can be envisaged in relation to environmental issues relating not only to the spheres mentioned by the Government but also to other areas liable to give rise to a serious risk for life or various aspects of the right to life” (MacDonald, 2007). MacDonald argues due to the fact that the applicants and the deceased were poor and lived in a slum area open to environmental hazard, there is a link between poverty and environmental hardship, for adults and children. MacDonald also states that it has been mentioned in the verdict of the court that the area was uncovered to every form of danger. In addition to this MacDonald claims that providing the right to life away from bestial or degrading treatments requires meeting the certain basic environmental standards The Grand Chamber of European Court of Human Rights upheld the applicants’ claim and upheld a violation of Article 1, Protocol 1 and Article 13 (MacDonald, 2007).

Lopez Ostra

Although Lopez Ostra is not the first case about environmental issues which came before the European Court of Human Rights, in this case the Court made comprehensive pronouncements in

connection with the relation of ecology and human rights (Fitzmaurice, 1999). In this case, the applicant was a resident of Lorca, Spain named Mrs. Lopez Ostra. She had to bring this case before the court because of the fumes, smells and contamination of a waste treatment plant erected 12 meters away from her house which affected her and her family especially her two daughters (Fitzmaurice, 1999). Related to her application, the Commission found a causal link between the emission and the illness of the applicant's daughter (Fitzmaurice, 1999). On the other hand, the Court also requested an expert opinion from a pediatrician. In this report, it has been noted that gas levels emitted from the plant exceed permitted levels and were the lively cause of health problems for the applicant's daughters. It was recommended to move children away from the area (MacDonald, 2007). Briefly, the Court made these two important statements: First, the Court found that the severe environmental pollution from this plant was a violation of Article 8 as it negatively affected the applicant's well-being and private and family life. In this case, it has been also accepted that children would be more vulnerable to the side effects of such incidence of pollution, especially on account of their physiology. Second, public authorities have a duty to protect family and private life and home (Fitzmaurice, 1999; MacDonald, 2007; Soveroski, 2007).

Gabcikovo-Nagymaros

However Gabcikovo-Nagymaros is the first case, litigated between the governments of Hungary and Slovakia in 1997, upheld by International Court of Justice within the concepts and principles of environmental law, it also includes some dimensions related to the many fields of international law. One of these dimensions concerning our subject is sustainable development (Güneş, 2006). In this case, Judge Weeramantry referred to the concept of sustainable development within the debate of human/environmental rights. He mentioned that the right to development and the right to environmental protection are important principles of current international law. According to him the applicants were allowed to improve their ongoing happiness and welfare as they are also allowed to preserve their human rights for protection of their environment. In addition to this he also pointed out that "the protection of environment is a vital part of contemporary human rights doctrine, for its *sine qua non* for numerous human rights such as the right to health and right to life itself." (McDonald, 2007).

Minors Oposa (The Philippine Children's Case)

This case was brought before the Philippine Supreme Court on the ground the related provision of Philippine Constitution which provides that "the State shall protect and advance the right of people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." by children (minors, together with the Philippine Ecological Network, Inc., a non-profit organization) as the principal petitioners however they are represented by their parents. Briefly the Court upheld that, right to a balanced and healthful ecology is not less important than any of the civil and political rights. As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind. In addition to this the Court mentioned that children have the right to represent their generation and future generations and sue on their behalf in preserving the right to a balanced and healthful ecology (McDonald, 2007; Fitzmaurice, 1999).

ENVIRONMENTAL RIGHTS OF CHILDREN AND CONVENTION ON THE RIGHTS OF THE CHILD

In international arena the notion that children enjoy rights has been began to be discussed in the 20th century as the children were more exposed to illness, exploitation and abuse after the Industrial Revolution and the two world wars. After these three important and immense developments affecting the whole world especially the children, an international effort occurred for creating a separate human rights treaty governing the rights of children. In 1959, the General Assembly of the United Nations promulgated the Declaration on the Rights of the Child. Although it had greater importance than the Declaration of Geneva adopted in 1924, on the grounds that the Declaration was not legally binding and did not contain any legal sanctions, children's rights proponents pushed for more global

protection. So, after 30 years in 1989, a binding children's human rights convention which adopts and elaborates many of the principles of the Declaration, was adopted by the UN General Assembly (Akyüz, 2010; Brice, 1995; Fortin, 1998). Finally, the CRC which has been signed by 140 states and ratified by 193 states entered into force in 1990.

In general, the CRC guarantees many fundamental rights of the child. It contains fifty-four articles which States Parties have to respect and ensure. In article 4, the main factor of the convention has been mentioned by stating that the States Parties are required to take all appropriate legislative, administrative and other appropriate measures to implement the rights recognized in the Convention. The CRC enforces to implement these obligations through a reporting system monitoring-committee model. This model presents States Parties an opportunity to comply with their obligations to create national legislation that facilitates the recognition and encouragement of these rights voluntarily. However the efficacy of this system is questioned by the critics, the CRC obliges States Parties at least to consider environmental factors (Balton, 1990; Brice, 1995; Fitzmaurice, 1999). MacDonald states that "owing to the flexible nature of the Convention, the interpretation of provisions in an environment-related manner is left to discretion of the States Parties, and hence, by default, so is the application of the environmental rights of the children." (MacDonald, 2006).

Insofar as the environment is concerned, the Convention mentions it explicitly two times in Article 24(2)(c) and Article 29. In addition to these provisions the CRC refers to environment implicitly in Article 6 and 27. Brice claims that if the Working Group were aimed to create a separate right to the environment they would use a particular phrase and drafting format; however neither Article 24 nor Article 29 was designed in this style. According to her, "instead of creating such an article, the drafters chose to refer to the environment when directing State Parties how to implement other recognised rights." Moreover, she argues that also in the *Travaux Préparatoires* part of the Convention there is no intent to create an environmental right for children. Moreover, she points out that according to the historical records, some countries attempted to refer to the environment while the convention drafting the issue unfortunately did not reach a level of high priority (Brice, 1995).

The provisions of the CRC, as far as environmental protection of the child is concerned, may be evaluated in four different ways: (1) The CRC imposes an obligation on states to protect the environment or at least to provide safe, clean drinking water; (2) The CRC obligates states to recognize that children need a healthy environment; (3) The CRC only refers to environmental issues; and (4) The CRC ignores the environmental issues (Brice, 1995; Fitzmaurice, 1999).

MacDonald claims that to comply with the Article 24 of the CRC, State Parties have a direct obligation to undertake the "appropriate measures" to ensure the rights of the children. However, she points out that each government will interpret "appropriate measures" depending on various factors such as financial means, educational means, the willingness to take such measures, external influences, etc (MacDonald, 2007). According to Brice, the breach of this obligation might be "1) inadequate reporting on environment legislation; 2) a lack of environmental health or education legislation. 3) blatant disregard for children suffering from environmental degradation." (Brice, 1995).

Brice also claims that the CRC implicitly requires environmental protection for children by containing fundamental human rights, in particular a right to life, so that, it can be claimed that the CRC obligates states parties to enact environmental legislation over and above the legislation relating to health and education. She further argues that the current form of the CRC protects humans from environmental harm via international cooperation and education rather than legal remedies. Additionally, she points out that the monitoring-committee model has only few supporters. In order to enable adequate resources to the proponents of the environmental rights of the child a modification should be done (Brice, 1995).

In order to enhance the protection under the cover of the CRC, Brice offers that the Committee can operate as a leader and could suggest that State Parties institute a special ombudsman to monitor environmental threats to children. She also claims that by using the power to request studies on

specific issues relating to the rights of child, the Committee could lead an amendment of the Convention under Article 50 (Brice, 1995).

TURKEY'S SITUATION

In 1994 Turkey, by making reservations to 17, 19 and 30th articles, related to the right of interpretation in accordance with the provisions and the spirit of Turkish Constitution and Treaty of Lausanne dated 1923, ratified the CRC.

Right to environment takes place in 56th article, 3rd part titled "Social and Economic Rights and Duties", under the title of "Health Services and Conservation of Environment" of Turkish Constitution. This provision consists of 5 paragraphs however only the first two are related to the issue of environment and this provision is exactly (Turgut, 2001): "*Everyone has the right to live in a healthy, balanced environment. It is the duty of the state and citizens to improve the natural environment and to prevent environmental pollution*". According to Turgut, this arrangement in Turkish Constitution is appropriate for formulation method by connecting the right to environment with classical rights. In this provision the environmental right is regulated directly and explicitly. In the utterance of this provision right to life is mainly pointed out. However, as to this right is clarified with the connection of healthy and balanced environment and right to life is regulated in Article 17, Turgut argues that it should be accepted that the right to environment is granted indirectly in this provision (Turgut, 2001).

In Turkey, in 1983, a private code concerning the environment was accepted (Environmental Code, no.2872). The aim of this code is "to enable the protection of the environment which is the common presence of the whole alive, in the direction of the principles of sustainable environment and sustainable development." In this code there is no definition concerning the environmental right. Although there is no provision concerning the environmental rights of the children, children will benefit from the protections granted under this code.

ENVIRONMENTAL EDUCATION IN TURKISH EDUCATION SYSTEM

General principles of Turkish Education System have been regulated by Basic Code of National Education numbered 1739. According to Article 18 of this code, Turkish National Education is composed of two main parts: formal and informal education. Formal education covers institutions of preschool, primary, secondary and higher education while informal education covers all the educational proceedings along with or aside from these institutions. The curricula of the lessons taught in the institutions of elementary and secondary education which consists of units related to environmental such as life studies, social studies, social activities, science and technology, agriculture, biology and international relations are examined below:

The curriculum of life studies of 1st, 2nd and 3rd grades of elementary education

The skills about environment that students are aimed to succeed by the curriculum are:

a) Improvement of the conscious of environment and utilization of the resources in the environment efficiently.

- To take notice of being integral to the environment one lives in.
- To perceive the interactions between human being and environment.
- To understand that damage to environment is equal to damage to oneself.

b) Obey the rules/procedures of health and security

- To constitute a healthy and safe work area.

c) Learn the basic concepts of science.

- Interaction: to notice that human beings, animals and plants affect each others, animals affect each others, human beings, animals and plants also have effects on the environment.

- Mutual dependency: to realize that each living creature is being in a mutual interaction with all of the other entities and the environment.

The acquisitions of the students within this curricula with respect to their grades are summarized in Table 1.

GRADES AND THEMES	ACQUISITIONS OF THE LESSON	CONTENT AND THE CATEGORY OF THE ACQUISITION
1. Grade My school excitement	<ul style="list-style-type: none"> • Explains why the resources at school should consume consciously. • Takes responsibility in order to keep the school and environment clean. 	<ul style="list-style-type: none"> • Accepts that the resources should be used productive and consumed consciously (<i>Acquisition of human rights and citizenship</i>). • Acts in comply with the conscious of the protection of the environment and transfer to the new generations is a citizenship duty (<i>Acquisition of human rights and citizenship</i>). • Develops self responsibility for constitution of healthy environment (<i>Acquisition of health culture</i>).
1. Grade Yesterday, Today, Tomorrow	<ul style="list-style-type: none"> • Researches and expresses the ways by which people change the environment and what they do for this. 	<ul style="list-style-type: none"> • Collaborates with the other people for the protection of the environment (<i>Acquisition of sport culture and olympic education</i>).
2. Grade My school excitement	<ul style="list-style-type: none"> • Explains the importance of the consumption of the resources at the school in a conscious way. • Generates alternatives in order to protect schools and one's environment. 	<ul style="list-style-type: none"> • Accepts that the resources should be used efficiently and consumed consciously (<i>Acquisition of human rights and citizenship</i>). • Acts in comply with the conscious of the protection of the environment and transfer to the new generations is a citizenship duty (<i>Acquisition of human rights and citizenship</i>).
2. Grade Yesterday, Today, Tomorrow	<ul style="list-style-type: none"> • Understands to keep the environment clean, is concerned with the health and improvement of both oneself and the others. 	<ul style="list-style-type: none"> • Knows the existence of the environmental rights (<i>Acquisition of human rights and citizenship</i>). • Becomes sensitive against the environment. (<i>Acquisition of the guidance and psychological counseling</i>).
3. Grade My school excitement	<ul style="list-style-type: none"> • Designs projects to keep the school and the environment clean. 	<ul style="list-style-type: none"> • Acts in comply with the conscious of the protection of the environment and transfer to the new generations is a citizenship duty (<i>Acquisition of human rights and citizenship</i>).
3. Grade My unique home	<ul style="list-style-type: none"> • Despite the similarities and the differences of the people, notices that they all share the same world and so understands that each individual has responsibility in order to create a better world. 	<ul style="list-style-type: none"> • Acknowledges that the common heritage should be protected (<i>Acquisition of human rights and citizenship</i>). • Recognizes the existence of the environmental rights (<i>Acquisition of human rights and citizenship</i>).
3. Grade Yesterday, Today, Tomorrow	<ul style="list-style-type: none"> • Designs a project to create a cleaner environment in which he/she lives. 	<ul style="list-style-type: none"> • Acts in comply with the conscious of the protection of the environment and transfer to the new generations is a citizenship duty (<i>Acquisition of human rights and citizenship</i>). • Collaborates with other people for the protection of the environment (<i>Acquisition of sport culture and olympic education</i>).

Table 1. The acquisitions of 1st, 2nd and 3rd grades of elementary education from life studies.

The curricula of social studies of 4th, 5th, 6th and 7th grades of elementary education

The acquisitions of the students that mentioned in the curricula of social studies of 4.,5.,6. and 7 grades of elementary education are summarized in table 2:

Table 2. The acquisitions of 4th, 5th, 6th and 7th grades of elementary education from social studies.

GRADE AND UNIT	ACQUISITIONS
5. Grade The people working for the society	<ul style="list-style-type: none"> Especially non-governmental organizations related to education, health, children's rights and women's right are pointed out. Students become aware of the non-governmental organizations around themselves.
7. Grade The Bridges between the countries	<ul style="list-style-type: none"> One of the issues such as global warming, environmental pollution, terror, famine, fast increase of population, unemployment, infectious diseases will be examined. About environmental pollution, right for environment should be examined.

The curricula of agriculture lesson of elementary education

In this program which has been composed by modules, interpretation of the agricultural activities in complicity with the environment has been aimed. In this context, the relation of agriculture-environment and agriculture-ecosystem in the utilization of the resources are examined. Thus, students are enabled to examine the effects of industrial and residential areas to the environment.

The curricula of lesson of social activities of elementary education

The program for students which is aimed to have nature and environment awareness consists of three learning areas such as social sensitivity, environment and nature and culture and arts. Learning area of environment and nature aims for students to become individuals who love and respect nature, are to be sensible for the environmental issues in the world and around their close environment and to be environmentalist who can combat these problems. The subjects and acquisitions exist in the learning area of environment and nature are summarized in Table 3.

Table 3: Acquisitions of secondary education from lesson of social activities.

SUBJECTS	ACQUISITION
Environment and Health	<ul style="list-style-type: none"> Researches environmental problems around his/her close area.
Environmental problems	<ul style="list-style-type: none"> Looks for resolutions for the environmental problems. Investigates his/her living areas in terms of health.
Protection of environment	<ul style="list-style-type: none"> Attends the works for the betterment and protection of the environment in which he/she lives.
Betterment of environment	<ul style="list-style-type: none"> Works for the refinement of the environment and nature in which he/she lives by protecting them.
To be environmentalist	<ul style="list-style-type: none"> As a conscious individual have desire for the works concerning with the environment.
I am aware of my environment	<ul style="list-style-type: none"> Examine the damaged balance between the environment and nature in aesthetic and artistic aspect.

The curricula of science and technology lesson of elementary education (6th, 7th, 8th grades)

Seven different learning areas have been envisaged for science and technology lesson. One of them is “Science-Technology-Society-Environment Relation”. The 6th unit of 7th grade’s unit is “Human being and Environment” The aim, the focus and the acquisitions of this unit are mentioned in table 4.

Table 4: The acquisitions of 6th, 7th, 8th grades of elementary education from science and technology

AIM	FOCUS	ACQUISITIONS
<p>In this unit..., it is aimed to have the students understand the environmental problems both in our country and in the world and their effects and to produce solutions with cooperation for the problems of living beings’ in danger of extinction both in our country and in the world.</p>	<p>This unit, around the concepts of ecosystem and the environmental protection, focuses on the improvement of the ability of observation and examining, the ability of looking at the environmental problems in an inquiring manner, improvement of positive attitude about the solutions of the problems.</p>	<p>Concerning with the areas in which the organisms live and human effect on these areas, students;</p> <ul style="list-style-type: none"> • Exemplify the plants and animals which face with danger of generation exhausting both in our country and in the world. • Make suggestions how the plants and animals which are in danger of extinction both in our country and in the world can be protected. • Act in a warm hearted manner to the plants and the animals around themselves. • Seek information one of the environmental problems in our country and in the world and present this information and argue its results. • Try to find out how might affect one of the environmental problems to our country. • Suggest solutions which grounds on corporation and attend activities for the environmental problems in our country and in the world. • Give examples concerning with the applications of Atatürk’s love of environment.

The curricula of biology lesson of secondary education

The 3rd unit which is in the curriculum of 9th grade of biology lesson of secondary education is “Conscious Individual-Livable Environment”. The aim of this unit, suggested subject titles and the acquisitions are mentioned below in Table 5.

Table 5: Acquisitions of 9th grade of secondary education from biology

AIM	SUGGESTED SUBJECT TITLES	ACQUISITIONS
<p>In this unit it is aimed to be noticed the negative effects of human activities to the environment and offered solutions for these problems, understood the effects of environmental problems on human health, acquired the ability, attitude, value and perception which is necessary for the biology literacy around the keyword of “environment”</p>	<p>1. Environmental Problems 2. Atatürk’s Perception of Nature and Environment</p>	<p>1. Students; concerning with the environmental problems: 1.1. evaluate the negative effects of the human activities on the environment with the examples around the close area. 1.2. explain the reasons and potential results of actual environmental problems with examples. 1.3. Inquiry the role of themselves to occur the environmental problems as an individual 1.4. Give examples to the effects of actual environmental problems about the human health. 1.5. Offer solutions for the actual environmental problems. 1.6. Attend actively the works for the solution of environmental problems. 2. Concerning with Atatürk’s perception of nature and environment students; 2.1. Give examples of works, views and memories of Atatürk’s concerning with nature and environment.</p>

The curricula of international relationship lesson

Among the general aims of international relationship lesson, concerning the environment: matters mentioned in the curricula:

- 1) The role of the environmental, cultural, political and economic organizations which have regional and global effects is noticed.
- 2) The effects of environmental problems and natural disasters in social aid and solidarity are realized.

In the 6th unit which is titled “International Problems”, the issue of sharing resources of energy and underground, environment problems are examined. The acquisition of this unit is to explain the reflection of the economic and environmental problems to international relations.

As seen above, Turkey does not have a special environmental education curricula. However environmental knowledge is thought in different lessons. Whether these lessons reached their aim or not, in other words how much the students become aware of the environmental issues is subjected to some various researches. One of them made by Alp, Ertepinar, Tekkaya and Yılmaz in 2008 points out that students’ understanding of environmental issues seems to be developed weakly in Turkey. Most students had limited environmental knowledge regarding topics such as recycling, water and energy usage, or environmental pollution. Furthermore, the preparation for national examinations is an

immense obstacle for elementary students in order to focus on and cogitate about environmental issues. They prefer to focus on certain aspects of scientific issues as these examinations do not contain environmental issues. That's why environmental topics are not discussed extensively in the lessons. On the other hand there is another research on this subject made by Tuncer, Ertepinar, Tekkaya and Sungur in 2005 which indicates that private school students displays more positive attitudes towards the environment while the public school students are less conscious.

As mentioned in Alp, Ertepinar, Tekkaya and Yılmaz's survey (2008: 141), environmental education is in its infancy in Turkey, so the government and educational institutions should take students' emotional feelings towards environmental deterioration into account as well as their knowledge level on environmental issues.

CONCLUSION

A healthy and a clean environment cannot be maintained without respect for human rights or vice-versa. This reality is important not only for human beings but also for our planet. Keeping our world clean is the duty of all human beings. However it is not only a duty, it is also a human right that can not be apart from other human rights.

Children constitute the most innocent group in society but unfortunately they cannot defend their rights. However the CRC grants rights explicitly to children, relevant provisions are needed to be interpreted in an environmental perspective. Amending some provisions of the CRC in favor of environmental rights would help for making minds clear. In addition to this a special ombudsman may help for monitoring the environmental issues. On the other hand, Turkey being a State Party should take necessary measures in terms of environmental rights of children. Turkey should regulate implicit provisions in the Environmental Code in favor of children and punish the infringement of the environmental rights of children by third persons.

The curricula which contains environmental knowledge in Turkish Educational System should be modified in the direction of the deficiency of the students and parallel with the actual developments. They should have the consciousness that they have environmental rights and these rights are related to other rights and duties and they also take responsibilities to them. Moreover, environmental issues should be emphasized as much as other science topics in the lessons. So the level of consciousness about environment for children might be increased.

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Çocukların Çevre Hakkı ve Türk Eğitim Sisteminde Çevre Eğitiminin Genel Değerlendirmesi

ÖZET

Amaç ve Önem: Tıpkı tüm insanlar gibi çocuklar için de çevre hayati önem taşır. Bu nedenledir ki, çevre hakkı önemli bir insan hakkı olarak çeşitli uluslararası metinlerde yer almıştır. Bu bağlamda çalışmada ilk olarak önce bir insan hakkı olarak çevre hakkına değinilmiş ve düşünce okullarının görüşlerine yer verilmiştir. Ayrıca çocukların çevre hakkına ilişkin mahkeme kararları da (Öneryıldız v. Turkey, Lopez Ostra, Gabcikova-Nagymaros, Minors Oposa davaları) çalışmada tartışılmıştır. Böylelikle, çocukların çevre hakkı teorik görüşlerin yanı sıra mahkeme kararlarıyla da açıklanmaya çalışılmıştır. Bununla beraber Birleşmiş Milletler Çocuk Haklarına Dair Sözleşmenin ilgili hükümlerine ve Türkiye'nin sözleşmeye taraf olmasına ilişkin açıklamalara da yer verilmiştir. Son olarak, çocukların Türk Eğitim Sisteminde çevre hakkıyla ve genel olarak çevreyle ilgili edindikleri kazanımlar ders müfredatların üzerinden tablolastırılmaya çalışılmıştır.

Yöntem: Çalışma derleme türündedir ve çalışmada kullanılan veriler, alanyazınının, mahkeme kararlarının ve çevreye ilişkin konular içeren bazı derslerin öğretim programlarının incelenmesiyle elde edilmiştir. Ayrıca programda belirtilen kazanımlar tartışılmıştır.

Sonuç ve Öneriler: Çevre hakkı diğer insan haklarını da etkilemesi nedeniyle önemli bir insan hakkıdır. Gezegenimizin kirletilmemesi yalnızca bir sorumluluk ve yükümlülük değil, ayrıca diğer haklardan ayrılamayacak bir insan hakkıdır. Çocuklar ise toplumsal gruplar içinde en çok korunmaya muhtaç olan gruptur ve ne yazık ki kendi menfaatlerini savunma konusunda yetişkinlere ihtiyaç duymaktadırlar. Bu noktada Birleşmiş Milletler Çocuk Haklarına Dair Sözleşme, çevre hakları bağlamında koruyucu düzenlemeler içermektedir, ancak bunların yeterince açık olmadığını söylemek mümkündür. Bu nedenle, sözleşmede yapılacak değişikliklerle, zihinlerde oluşabilecek bulanıklıklar berraklaştırılabilir. Ayrıca bir ombudsmannın tayin edilmesine yönelik bir düzenleme getirilmesi de yerinde olacaktır. Bunun yanı sıra Türk Eğitim Sisteminde çevreyle ilgili derslerin müfredatları öğrencilerin eksikliklerine ve güncel gelişmelere göre gözden geçirilmelidir. Öğrencilere, çevre hakkının diğer insan haklarıyla bağlantılı olduğu ve bu bağlamda çevrenin korunması konusunda sorumluluklarının bulunduğu bilinci kazandırılmalıdır.