

SDG 14 and Children's Human Rights

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This report was prepared as part of a summer internship at the One Ocean Hub, which is based at the University of Strathclyde, Glasgow, UK. The One Ocean Hub is an international research programme which aims to promote inclusive and sustainable governance of the world's ocean in the face of the threats posed to it by climate change, pollution and over-fishing. This internship focused on the unique role of the ocean in the effective protection of children's human rights. This report provides a detailed discussion of this unique role, and of the relationship between children's human rights and the aims of Sustainable Development Goal 14.

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Introduction

The United Nations High Commissioner for Human Rights stated that the effective realisation of children's rights is the basis for the achievement of a sustainable future and the attainment of all human rights.¹ This requires that the Sustainable Development Goals should be fulfilled in line with the Convention on the Rights of the Child.² In 2016, UNICEF published their report '*Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child*', in which it mapped the connections between Sustainable Development Goal 14 on life below water and the Convention on the Rights of the Child.³

This paper will take UNICEF's report as a starting point for explaining the inter-dependences of children's human rights and a healthy ocean and complement it with a comprehensive reflection on the inter-dependence of the human rights of the child and a healthy ocean. The paper is structured around Sustainable Development Goal 14 and its targets. It will introduce each target and highlight their interlinkages with the Convention on the Rights of the Child and children's environmental rights⁴, as follows:

<u>Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.</u>
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UNICEF connects these overarching aims of SDG 14 with the preamble and four different articles of the Convention on the Rights of the Child:⁵

- the preambular references to the promotion of both **social progress and better standards of life**,⁶ with a view to highlighting the vital role of the ocean as a vital source of food, health, culture and employment;⁷
- Two articles on the **information** rights of the child⁸. Article 13(1) of the Convention on the child's right to freedom of expression, which includes the ability to seek, receive and communicate ideas and information of all kinds;⁹ and Article 17, which places the obligation on states to ensure that children are able to access information from a variety of sources. These

¹ 'Protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development', 15 December 2016, UN Doc A/HRC/34/27, para 6.

² *Ibid*, para 19.

³ UNICEF, '*Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child*' (2016) at 2.

⁴ The term "environmental rights" encompasses all procedural and substantive human rights related to the environment, as well as emerging rights such as rights of nature. See UNEP, '*Advancing environmental rights*', <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights>.

⁵ *Ibid* at 39.

⁶ *Ibid*.

⁷ WHO, Health, '*The Global Ocean and Marine Resources*' Policy Brief Europe (Copenhagen, 2010), 1.

⁸ UNICEF (n3) at 39.

⁹ United Nations General Assembly, '*Convention on the Rights of the Child* (1989) UN Doc A/RES/44/25, article 13(1).

rights are essential to enable children to participate in environmental decision-making,¹⁰ which they are consistently unable to effectively realise;¹¹

- Article 29(1)(e) states that children’s **education** should aim to develop the child’s respect for the natural environment. Environmental education is a key source of environmental information for children and enables them to become meaningful actors in the protection of the environment,¹² including the marine environment.
- The provision of education on the ocean may inform children of the importance of the ocean in the earth’s climate, and as a source of food and home for biodiversity, which is essential to support them to exercise their participation rights.
- Article 28(3) obliges states to encourage and advance international cooperation on education, especially in order to address literacy problems and to contribute to enabling access to both scientific and technical understanding and modern methods of teaching, especially in developing countries.

Other children’s human rights are also relevant when one considers the relationship between marine biodiversity and human rights. Biodiversity refers to the variability among living organisms from marine, aquatic and terrestrial ecosystems.¹³ More specifically, biodiversity for food and agriculture is “the subset of biodiversity that contributes in one way or another to agriculture [including fisheries and aquaculture] and food production.”¹⁴ Biodiversity and biodiversity for food and agriculture are essential in supporting the contributions which ecosystem services make to the realisation of human rights to **health, adequate food and water**.¹⁵ Any harm to biodiversity, therefore, prevents the full of realisation of these rights.¹⁶ For example, organisms such as bivalve molluscs help to purify water in both freshwater and marine environments through the filtration function they perform.¹⁷ Fish and seafood consumption are important for health and contain important nutrients such as omega 3.¹⁸

Marine biodiversity is also relevant for the child’s right to **life** and for the state’s obligation to ensure as far as possible the survival and development of the child.¹⁹ Ocean flora such as seagrass and mangroves contribute to an estimated 50% of the carbon dioxide which is stored in the ocean environment.²⁰ Mangroves and seagrass meadows are important ocean-based solutions to mitigating the impacts of climate change.²¹ Climate change is the most serious threat facing children

¹⁰ ‘*Realizing the rights of the child through a healthy environment*’, 3 January 2020, UN Doc A/HRC/43/30, para 59.

¹¹ ‘*Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*’, 24 January 2018, UN Doc A/HRC/37/58, para 69.

¹² Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children’s Rights and the Environment* (2017) at 18.

¹³ *Convention on Biological Diversity* (1992) article 2.

¹⁴ FAO, ‘*The State of the World’s Biodiversity for Food and Agriculture*’ (Rome, 2019) at xxxvii.

¹⁵ ‘*Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*’, 19 January 2017, UN Doc A/HRC/34/49, para 65; WHO, *Health, ‘The Global Ocean and Marine Resources’ Policy Brief Europe* (n6) 1.

¹⁶ UN Doc A/HRC/34/49 (n13) para 66.

¹⁷ *Ibid.*

¹⁸ WHO (n6) at 1.

¹⁹ *Convention on the Rights of the Child*, article 6.

²⁰ United Nations, ‘*The Second World Ocean Assessment*,’ Volume 1 (New York, 2021) at 360.

²¹ High-Level Panel for A Sustainable Ocean Economy, ‘*The Ocean as a Solution to Climate Change: Five Opportunities for Action*’ (Washington DC, 2019) at 6.

and youth.²² The increase in extreme weather events which will climate change will bring such as droughts and floods will weaken food security, and impact upon the level of nutrition which children will be able to access.²³ These weather events will also pose a threat to the ability of the child to access safe drinking water and sanitation.²⁴ It is estimated that 415 million children are living in areas with high or extremely high water vulnerability.²⁵ Almost 90% of the global burden of disease associated with climate change is carried by children under the age of 5.²⁶ Climate change has the potential to adversely affect nearly all of the human rights which children hold.²⁷

Children are the group who are most at risk from environmental harm and loss of biodiversity risks creating adverse consequences which will impact on them throughout their lives.²⁸ Given the importance of marine biodiversity for the realisation of children's **right to development**, states should implement measures to ensure marine biodiversity is protected, as follows:

- States must create legal and institutional frameworks to prevent damage to marine biodiversity due to the actions of both private and states actors;²⁹
- States must adopt and apply standards which are non-discriminatory,³⁰ non-retrogressive³¹ and which correspond with international standards in order to protect the rights of those who are most at risk from marine biodiversity loss;³²
- States must perform child rights impact assessments to identify any adverse consequences for children's rights which arise from projects which will impact on the marine environment;³³
- Steps must be taken to enable children to give their views and to participate in discussions concerning marine biodiversity, given that it is one of the environmental challenges which will affect the future world they will live in.³⁴ States could implement a child-rights approach and prioritise the best interests of the child in the development, monitoring and enforcement of their marine environment laws and policies.³⁵

²² UNICEF, *'The Climate Crisis is a Child Rights Crisis: Introducing The Children's Climate Risk Index'* (New York, 2021) at 4.

²³ *Ibid*, at 110.

²⁴ *Ibid*, at 109.

²⁵ *Ibid*, at 110.

²⁶ *Ibid*, at 110.

²⁷ *Ibid*, at 111.

²⁸ UN Doc A/HRC/37/58 (n10) para 69.

²⁹ UN Doc A/HRC/34/49 (n13) para 69.

³⁰ On non-discrimination, States "have obligations... to protect against environmental harm that results from or contributes to discrimination, to provide for equal access to environmental benefits and to ensure that their actions relating to the environment do not themselves discriminate": UN Framework Principles on Human Rights and the Environment (2020) UN Doc A/HRC/37/59, para 7 (see generally Principle 3).

³¹ A retrogressive measure is one that, directly or indirectly, leads to a backward movement in the enjoyment of human rights. Any deliberately retrogressive measure "would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant [on Economic, Social and Cultural Rights] and in the context of the full use of the maximum available resources": Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 9 and UN Framework Principle 11 on Human Rights and the Environment (n 30).

³² UN Doc A/HRC/34/49 (n13) para 69.

³³ UN DOC A/HRC/37/58 (n10) para 46.

³⁴ *Ibid*, paras 48-49.

³⁵ UN Doc A/HRC/43/30 (n9) para 107.

Target 14(1): By 2025, prevent and significantly reduce all forms of **marine pollution**, especially from land sources, nutrient pollution and marine debris.

UNICEF connects this target with article 24(2)(c) of the Convention on the Rights of the Child. This requires that in the attainment of the child's right to the highest attainable standard of **health**, states should take appropriate steps to address disease and malnutrition through measures such as the provision of nutritious food and clean drinking-water. In the process, states should have an awareness and appreciation of the risks and harms of environmental pollution.³⁶ UNICEF focuses particularly on the risks and harms of such pollution:³⁷

- Approximately 80% of pollutants in the ocean are from land-based sources;³⁸
- consumption of fish contaminated with methylmercury can increase the risk of those in utero and young children developing neurological conditions;³⁹
- Chemical exposure in utero means children are being born pre-polluted and face increased risk of developing health conditions;⁴⁰
- Antibiotic use in humans and agriculture can give rise to anti-biotic resistant organisms in seafood and marine waters which can cause serious diseases in children if they are exposed,⁴¹ with potential impacts also on their right to adequate food.
- Microplastics have been found in sections of the human placenta for the first time and have generated concerns relating to the potential impact on the health of the foetus.⁴² These plastics are prevalent on the seabed and in marine animals.⁴³

The aims of goal 14(1) can be connected with additional rights. For example, foetal exposure to high concentrations of methylmercury can cause death⁴⁴. Marine pollution can therefore engage the child's right to **life** under article 6. It also engages the States' duty to reduce child and infant mortality under article 24(2)(a).

The United Nations Environment Programme has stated that addressing ocean pollution and ensuring sustainable resource use requires engagement with a variety of sections of society, including the youth.⁴⁵ The inclusion of groups such as the youth helps to promote greater understanding of both the problems of ocean pollution and the effectiveness of potential solutions.⁴⁶ Youth involvement in such discussions engages the following child's rights:

³⁶ Convention on the Rights of the Child, article 24(2)(c).

³⁷ UNICEF (n3) at 39.

³⁸ Philip J. Landrigan, John J. Stegeman and Lora E. Fleming et al, 'Human Health and Ocean Pollution' (2020) 86 *Annals of Global Health* 1, at 3.

³⁹ WHO (n6) at 9.

⁴⁰ 'Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes', 2 August 2016, UN Doc A/HRC/33/41, para 5.

⁴¹ WHO (n6) at 4.

⁴² Antonio Ragusa, Alessandro Svelato and Criselda Santacroce et al, 'Plasticenta: First Evidence of Microplastics in Human Placenta' (2021) 146 *Environment International* 106274.

⁴³ *Ibid.*

⁴⁴ Stephan Bose-O'Reilly, Kathleen M. McCarty, Nadine Steckling and Beate Lettmeier, 'Mercury Exposure and Children's Health' (2010) 40 *Current Problems Pediatric Adolescent Health Care* 186, at 195.

⁴⁵ UN Environment Programme, *Towards a Pollution-Free Planet* (2017), at 47.

⁴⁶ *Ibid.*

- article 12 right to have their **views seriously considered**,
- article 13 right to **freedom of expression**
- article 14 right to **freedom of thought and conscience**
- article 15 right to **freedom of assembly and association**⁴⁷
- article 29(1)(e) right to environmental education.

Children, therefore, need to participate in ocean governance processes, such as marine spatial planning, and have their rights seriously considered in such discussions.

An additional obligation to support these rights is that states must **cooperate** to share information concerning the toxicity of chemicals and ensure that the international trade in chemicals abides by the requirements of environmental treaties.⁴⁸ States could thus include in their national and regional plans aimed at implementing relevant multilateral environmental agreements⁴⁹ children’s rights that may be affected by marine pollution.

Relevant treaties on marine pollution include:

- United Nations Convention on the Law of the Sea (UNCLOS)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes
- Stockholm Convention on Persistent Organic Pollutants
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- Convention on Biological Diversity
- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean
- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region
- Convention for the Protection of the Marine Environment from Land-based Activities

Given the extensive impact on children’s rights caused by marine pollution, **business enterprises** have a responsibility⁵⁰ to incorporate children’s rights into their environmental and impact assessment policies,⁵¹ as well as investment and innovation strategies.⁵² In turn, States, individually and through International cooperation, need to ensure that businesses do not contribute to marine pollution leading to negative impacts on children’s rights.⁵³ The creation of regulatory frameworks which aim to achieve circularity in production chains could also assist in addressing the impacts of

⁴⁷ For example: *Youth4Ocean Forum* <https://webgate.ec.europa.eu/maritimeforum/en/frontpage/1484>

⁴⁸ UN Doc A/HRC/37/58 (n10) para 74.

⁴⁹ UN Doc A/HRC/37/58 (n10) para 61.

⁵⁰ Special Representative Ruggie, “Guiding Principles on Business and Human Rights to implement the UN Protect, Respect and Remedy Framework”, UN Doc. A/HRC/17/31 (2011), adopted by the Human Rights Council (Res 17/4 (2011)) and “Protect, Respect and Remedy: A Framework for Business and Human Rights”, UN Doc. A/HRC/8/35 (2008), which the Human Rights Council recognized the need to operationalize (Res 8/7 (2008), para. 2). See also UN Framework Principles on the Environment and Human Rights, Principles 18-19.

⁵¹ UNICEF, *Children’s Rights in Impact Assessments: A guide for integrating children’s rights into impact assessments and taking action for children* (Geneva, 2013) at 40.

⁵² Report of the UN High Commissioner for Human Rights, *Towards Better Investment in the Rights of the Child* (2014) UN Doc A/HRC/28/33.

⁵³ UN Doc A/HRC/37/58 (n10) para 75.

marine pollution.⁵⁴ Such frameworks could include waste effective management programmes and laws which prohibit and disincentivise the production of common marine pollutants such as plastics, pesticides and chemical waste.⁵⁵ This would encourage a shift from business models which contribute to ocean pollution, to models which are both circular in low-carbon in their production activities.⁵⁶

Target 14(2): By 2020, protect and sustainably manage marine and coastal **ecosystems** to avoid harm to those ecosystems by improving their resilience and by adopting measures to restore them to achieve productive and healthy oceans.

UNICEF views this target as engaging the preamble on the Convention on the Rights of the Child, with emphasis on the aims to promote *'social progress and better standards of life'*.⁵⁷ It is estimated that there are around 500 'dead zones' in the ocean which due to pollution, lack sufficient levels of oxygen to support marine life and commercially fished species.⁵⁸ Between 19%-35% of the foundational habitats of coastal ecosystems in the form of coral reefs, mangroves and seagrass meadows have also been estimated to have been lost worldwide due to pollution.⁵⁹ The use of pesticides can reduce ecosystem functionality and biodiversity and reduce their resilience and restorative capabilities.⁶⁰ Pesticides are among the main pollutants in marine and coastal ecosystems.⁶¹ As sources of food and economic activity, oceans clearly have an important role in improving living standards and wellbeing.

The protection and sustainable use of marine and coastal ecosystems are also important for the effective realisation of **the child's rights to health, food, life, development and survival**.⁶² Food from oceans provide essential micronutrients required for development such as omega 3 fatty acids.⁶³ These nutrients are essential for foetal development and cardiovascular health.⁶⁴ Photosynthesis performed by phytoplankton organisms produce between 50% to 70% of the earth's oxygen.⁶⁵ Ocean flora such as seagrass and mangroves also contribute to an estimated 50% of the carbon dioxide which is stored in the ocean environment.⁶⁶ These marine and coastal plants are important

⁵⁴ Sustainable Ocean Alliance Youth Policy Advisory Council, *'Global Blue New Deal'* (2021) available at: at 5. [https://f.hubspotusercontent30.net/hubfs/5867638/Blue%20New%20Deal%202021%20\(Draft\)%20by%20YPA-C-1.pdf](https://f.hubspotusercontent30.net/hubfs/5867638/Blue%20New%20Deal%202021%20(Draft)%20by%20YPA-C-1.pdf)

⁵⁵ *Ibid* at 5.

⁵⁶ *Ibid*.

⁵⁷ UNICEF (n3) at 39.

⁵⁸ UN Environment Programme (n41) at 7.

⁵⁹ WHO (n6) at 5.

⁶⁰ UNICEF (n20) at 52.

⁶¹ UN Environment Programme (n41) at 24.

⁶² Elisa Morgera and Michael Sweeney, *'Don't forget a healthy ocean as part of children's right to a healthy environment'* One Ocean Hub Policy Brief (Glasgow, 2021) at 2 (<https://oneoceanhub.org/publications/policy-brief-dont-forget-a-healthy-ocean-as-part-of-childrens-right-to-a-healthy-environment/>).

⁶³ WHO, *'Inheriting a Sustainable World? Atlas on Children's Health and the Environment'* (Geneva, 2017) 80

⁶⁴ WHO, *Health, 'The Global Ocean and Marine Resources'* Policy Brief Europe (n6) at 16.

⁶⁵ Choy Yee Keong, *'The Ocean Carbon Sink and Climate Change: A Scientific and Ethical Assessment'* (2019) 10 *International Journal of Environmental Science and Development* 246-251, at 248.

⁶⁶ *Second World Ocean Assessment* (n18) 360.

in mitigating the effects of climate change,⁶⁷ which is a potential threat to effective realisation of all children's rights under the Convention on the Rights of the Child.⁶⁸ Mangroves are also important for reducing the impacts of coastal flooding,⁶⁹ to the risk of which 240 million children are exposed globally.⁷⁰ The effective protection of marine ecosystems can support the application of nature-based solutions to managing the effects of climate change.⁷¹

Consideration of the interaction of these rights with marine and coastal ecosystems is essential for the pursuit of intergenerational equity. Intergenerational equity requires states to protect the environment in development activities so that it is inherited in the same condition by future generations.⁷² Marine and coastal ecosystems must be protected, restored, and sustainably managed if they are to continue to effectively support the realisation of children's rights in the future. Given the importance of these ecosystems for children's rights, target 14(2) could be an area in which states take measures to enable children **to participate in decision-making and policymaking processes and to express their views**. Children's personal experiences can allow them to provide unique insights into environmental problems which have affected their lives.⁷³ Such insights could help to inform participatory marine and coastal ecosystem protection strategies. The participation of children could also provide an accountability function by requiring state agencies to consider children's rights in sustainable development and ocean governance decisions. **Environmental education** must also be crafted in school curriculums to teach children about issues of sustainability and climate change so that they understand the importance of ecosystem protection.⁷⁴

Target 14(3): reduce and address the effects of ocean acidification through measures including improved scientific cooperation at all levels.

UNICEF connects this goal with two articles of the Convention on the Rights of the Child.⁷⁵ The first is article 23(2)(c), which requires that in the attainment of the **child's right to the highest attainable standard of health**, states should take appropriate steps to address disease and malnutrition through measures such as the provision of nutritious food and clean drinking-water and in the process, have an awareness and appreciation of the risks and harms of environmental pollution. Plankton and coral reefs, key species in marine food chains, are especially vulnerable to ocean acidification.⁷⁶ The long-term potential for the ocean to act as a source of food and therefore aid the attainment of the child's right to the highest standard of health is clearly threatened by acidification.

⁶⁷ High-Level Panel for A Sustainable Ocean Economy (n19) at 6.

⁶⁸ UNICEF (n20) at 111.

⁶⁹ *Ibid*, at 85.

⁷⁰ *Ibid*, at 10.

⁷¹ Sustainable Ocean Alliance Youth Policy Advisory Council (n48) at 7.

⁷² Virginie Barral, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23 *The European Journal of International Law* 377-400, at 380.

⁷³ UN Doc A/HRC/37/58 (n10) para 48.

⁷⁴ UNICEF (n20) at 66.

⁷⁵ UNICEF (n3) at 39.

⁷⁶ UN Environment Programme (n41) at 26.

If marine food chains suffer loss of key species due to ocean acidification, fish species which are valuable for their nutrition content may decline or disappear.

The second, article 28(3), requires states to promote **international cooperation in education**, with a view to enhancing access to scientific and technical knowledge in developing countries. This obligation should be read in the light of the need to integrate ocean acidification and its impacts on children's rights into education, with a view to supporting the realization of children's right to participate in and have their views seriously considered in issues which will affect them.⁷⁷ This is particularly relevant for children, especially those who live in small island states or coastal communities, to highlight the impacts of ocean acidification on marine ecosystems and food chains which they may rely on for access to food. Furthermore, this allows children to effectively contribute to marine research, either by providing inputs to existing research projects and their different stages (e.g., project design, data collection, data analysis) or conducting child-led research. Child participation could act as an impetus for states to adopt and implement more ambitious measures to reduce greenhouse gas emissions and address the consequences of climate change. However, in discussions concerning the effects of climate change, meaningful participation of children has been notably absent.⁷⁸ This has deprived climate decision-making of the insight, ingenuity and leadership which children can contribute to the issue.⁷⁹ It is also incompatible with the binding obligations states have accepted as members of the Convention on the Rights of the Child.⁸⁰ If children are to be able to meaningfully contribute to discussions concerning ocean acidification and climate change, states must ensure that there are forums in place which will allow them to do so. Examples of such could be the establishment of children's parliaments and councils which are able to interact with and receive feedback from national parliaments⁸¹ on these matters.

Since pre-industrial times, there has been a 26% reduction in the pH level of the ocean with the result that the ocean has become more acidic.⁸² It is estimated that there will be a further rise of between 100% to 150% in ocean acidity by the end of this century.⁸³ There are important connections between ocean acidification, climate change and children's rights. Climate change is primarily driven by the emission of carbon dioxide from human activities into the atmosphere.⁸⁴ Ocean acidification is caused by the absorption of carbon dioxide from the earth's atmosphere.⁸⁵ If the ocean is becoming increasingly acidic due to absorbing growing amounts of carbon dioxide, its ability to store the gas and mitigate the effects of climate change will be lessened.⁸⁶ Climate change

⁷⁷ Convention on the Rights of the Child, article 12.

⁷⁸ Ziba Vahgri, 'Climate Change, An Unwelcome Legacy: The Need to Support Children's Rights to Participate in Global Conversations' (2018) 28 *Children, Youth and Environments* 104-114, at 108.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, at 110.

⁸¹ *Ibid.*, at 109.

⁸² United Nations, 'The Sustainable Development Goals Report' (New York, 2020) at 52.

⁸³ *Ibid.*

⁸⁴ 'Climate change widespread, rapid, and intensifying – IPCC' IPCC Press Release (August 9th 2021) <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

⁸⁵ National Research Council of the National Academies, 'Ocean Acidification: Starting with Science' (2010) at 2. <https://www.nap.edu/resource/12904/OA1.pdf>

⁸⁶ United Nations (n71) at 52.

is the primary threat facing the world's children.⁸⁷ Ocean acidification is therefore a threat to the child's article 6 **rights to life, survival and development**.

The impact of ocean acidification on children's rights and its connection with climate change means that there is potential for the Convention on the Rights of the Child to contribute to addressing the issue. Although the Convention was drafted without reference to climate change, the threat which climate change poses to children's rights and the flexible nature of the Convention as an instrument of international law means that it can be interpreted to assist in addressing the contemporary challenges faced by children.⁸⁸ An example of this can be seen from the complaint recently filled by a group of children to the Committee on the Rights of the Child arguing that the alleged failures by member states to address the consequences of climate change was a violation of their convention rights.⁸⁹ This example also highlights the shift which has occurred concerning the role of children in addressing environmental challenges. Children are no longer content to be categorised as victims of climate change.⁹⁰ They have shifted to being active agents who engage in climate campaigning and raising legal actions against governments for climate inaction.⁹¹ If children are able to effectively scrutinise and challenge government climate policies for being incompatible with their convention rights, their efforts may help to develop more effective climate policies to address the causes, challenges and consequences of ocean acidification.

Target 14(4): By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and harmful fishing methods. Apply science-based management plans to replenish fish stocks in the quickest time frame to at least a level that can produce the maximum sustainable yield as determined by their biological characteristics.

In UNICEF's view, the aims of this target are connected with the Convention's preamble, with particular focus on the promotion of 'social progress and improving living standards'.⁹² Illegal, unreported and unregulated fishing practices are key factors in the obstruction of the achievement of sustainable fisheries.⁹³ Overfishing is a threat to 33% of fish stocks worldwide.⁹⁴ The biological sustainability of fish stocks declined from 66.7% in 2015 to 65.8% in 2017.⁹⁵ Overfishing and other harmful fishing practices are clear threats to the child's living standards due to the potential consequences they can have for the security of fish stocks.

⁸⁷ UNICEF (n20) at 4.

⁸⁸ Geraldine Van Bueren QC, 'New Challenges for the Convention on the Rights of the Child upon Reaching Middle Age' (2020) 1 *European Human Rights Law Review* 38-48, at 39-40.

⁸⁹ '16 children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Rights of the Child' (2019) UNICEF press release <https://www.unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations>

⁹⁰ Nicole Rogers, 'Victim, Litigant, Activist, Messiah: the Child in a Time of Climate Change' (2020) 11 *Journal of Human Rights and the Environment* 103-121, at 121.

⁹¹ *Ibid.*

⁹² UNICEF (n3) 39.

⁹³ *Second World Ocean Assessment* (n18) at 17.

⁹⁴ WHO (n6) at 5.

⁹⁵ United Nations (n71) at 53.

The aims of goal 14(4) can also be connected with the requirements contained within the child's **right to the highest possible standard of health** under article 24. Fulfilment of this right requires states to take appropriate steps to address malnutrition and disease through measures such as the provision of nutritious food.⁹⁶ Fish is a source of nutritional for children due and contains important nutrients such as omega-3 unsaturated fatty acids.⁹⁷ It is important that children have access to culturally-appropriate, nutritious food given that they consume greater quantities of food than adults per unit of their body weight.⁹⁸ In order to continue to provide provision of nutritious food and to ensure food security, states should adopt regulations and policies which aim to bring fishing capacity to sustainable levels.⁹⁹ At the same time, they should eradicate subsidies which help to enable overfishing and overcapacity or illegal, unregulated and unreported (IUU) fishing.¹⁰⁰

Target 14(5): By 2020, act to **conserve at least 10% of coastal and marine areas** in a manner which is compliant with relevant national and international law and which is based on scientific data.

UNICEF connects this subgoal with the preamble of the convention, especially the aims to improve living standards and promote social progress.¹⁰¹ UNICEF also views article 28(3), which requires states to promote **international cooperation in areas such as education**, in order to address literacy problems and to contribute to enabling access to both scientific and technical understanding and modern methods of teaching, especially in developing countries, as being engaged.¹⁰²

Two further articles which are relevant to the aims of conserving marine and coastal areas are:

- the child's right to education.¹⁰³ **Environmental education** can provide children with knowledge on the environment and can empower them to become active agents in environmental issues.¹⁰⁴
- the child's right to **health**: the presence of antibiotic resistant organisms in coastal areas, marine mammals and seafood can be a threat to the health of the child.¹⁰⁵ For example, *Staphylococcus aureus*, an antimicrobial-resistant organism, has been found in coastal environments and especially on beaches.¹⁰⁶ This can cause untreatable infections which children are particularly vulnerable to.¹⁰⁷ Conservation of coastal areas may either eliminate or significantly diminish the risks of these harms for children.

⁹⁶ Convention on the Rights of the Child, article 24(2)(c).

⁹⁷ WHO (n57), at 80.

⁹⁸ UN Doc A/HRC/37/58 (n10) para 23.

⁹⁹ FAO, *The State of World Fisheries and Aquaculture: Meeting the Sustainable Development Goals* (Rome, 2018) at 91.

¹⁰⁰ *Ibid.*

¹⁰¹ UNICEF (n3) at 39.

¹⁰² *Ibid.*

¹⁰³ Morgera and Sweeney (n56) at.2-3.

¹⁰⁴ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children's Rights and the Environment* (n11) at 18.

¹⁰⁵ WHO (n6) at 4.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

An additional group of rights which can be connected to goal 14(5) are the **child's rights to information and participation**. The participation of youth has been described as an essential element of sustainable development.¹⁰⁸ However, these rights to information and participation are usually not effectively realised.¹⁰⁹ Reasons for this include children lacking the same political and legal standing as adults, power imbalances and the fact that they are dependent on adults.¹¹⁰ Children's rights to information also do not receive the appropriate consideration in national laws and policies concerning the environment.¹¹¹ For instance, evidence from Peru highlights how effective youth participation can be in protecting coastal and marine areas.¹¹² There, the Planeta Oceano organisation has helped to provide education, training, and organisation to youth-led projects which have involved the reforestation of mangroves and campaigning for sustainable fisheries.¹¹³ Children and youth can clearly make effective contributions to marine ecosystem protection. States should therefore take steps to ensure that children can effectively exercise their participation rights.¹¹⁴

The protection of coastal and marine areas is also relevant for the **child's right to play** under article 31 of the Convention on the Rights of the Child. The right to play is an essential part of the development of the child's health, wellbeing and understanding of the world.¹¹⁵ A safe and pollution-free marine environment is necessary for the child to enjoy this right,¹¹⁶ based on the interdependence of the child's right to play and the right to a healthy environment.¹¹⁷ Children face threats to their health from playing in unclean water.¹¹⁸ There is also the threat of contracting serious disease from antibiotic resistant organisms which are present in coastal waters.¹¹⁹

Target 14(6): By 2020, prohibit certain forms of **fisheries subsidies** which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation

In UNICEF's view, this target also engages the preamble on the Convention on the Rights of the Child, with particular focus on the aims to advance social progress and improve living standards.¹²⁰ Subsidies contribute to unsustainable fishing methods and allow economic gains to be made by

¹⁰⁸ *The Future We Want: Outcome document of the United Nations Conference on Sustainable Development* (2012) at 10.

¹⁰⁹ UN Doc A/HRC/37/58 (n10) para 69.

¹¹⁰ UNICEF (n20) at 111.

¹¹¹ Committee on the Rights of the Child (n11) at 16.

¹¹² Kerstin Forsberg, 'Engaging Youth to Conserve Coastal and Marine Environments' *UN Chronicle* <https://www.un.org/en/chronicle/article/engaging-youth-protect-coastal-and-marine-environments>

¹¹³ *Ibid.*

¹¹⁴ UN Doc A/HRC/37/58 (n10) para 71.

¹¹⁵ Convention on the Rights of the Child, General Comment 17 (2013), para 9.

¹¹⁶ *Ibid.*, para 32.

¹¹⁷ International Play Association, 'Children's Right to Play and the Environment' (2016) at 4.

<http://ipaworld.org/wp-content/uploads/2016/05/IPA-Play-Environment-Discussion-Paper.pdf>

¹¹⁸ UN Doc A/HRC/37/58 (n10) para 20.

¹¹⁹ WHO (n6) at 4.

¹²⁰ UNICEF (n3) at 40.

fishing fleets which would otherwise not possible.¹²¹ For example, deep-sea bottom trawling is mostly only able to achieve profitability due to state subsidies.¹²² Overfishing is a threat to 33% of fish stocks worldwide.¹²³

The threat to fish stocks from unsustainable and subsidised fishing practices could also engage the child's right to health and food. To fulfil this right, states have to take steps to address malnutrition and disease through measures including the supply of clean water and nutritious food.¹²⁴ The sustainable supply of fish and other marine foodstuffs to address child malnutrition will require states to cease incentivising harmful fishing practices, while assessing whether subsidy removal might lead to (temporary) changes in domestic fish supply that may have a negative impact on children. Programmes for the removal of fishing subsidies should therefore be conceived as part of a broader strategy to ensure sustainable fisheries and local food security. They could also be accompanied by support programmes for small-scale fishing communities and women (SDG 14.b) that may have been (partly) reliant on subsidized fisheries, with a view to target also children's health and education.¹²⁵

Target 14(7): by 2030, use sustainable fisheries management, marine resources, aquaculture and tourism to produce greater economic benefit for developing small island states.

The part of the preamble which UNICEF connects with this goal is '*Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries*' with emphasis being placed on '**international co-operation**'.¹²⁶ Article 4 of the Convention is also viewed as relevant: this provision explains that state measures in the fields of economic, social and cultural rights shall be pursued to the extent which resources allow and when necessary, through international cooperation.¹²⁷ International cooperation is important to ensure marine resources are used sustainably, that overfishing does not occur and subsidies do not incentivise poor practices. Fisheries and aquaculture each make important contributions to food security.¹²⁸ In Small Island States, fisheries resources are essential for food security, employment and diet.¹²⁹

The aims of target 14(7) are also relevant for the

¹²¹ Sjarief Widjaja, Tony Long and Hassan Wirajuda et al, 'Illegal, Unreported and Unregulated Fishing and Associated Drivers', (2019) High-Level Panel for A Sustainable Ocean Economy at 23.

¹²² *Ibid.*

¹²³ WHO (n6) at 5.

¹²⁴ Convention on the Rights of the Child, article 24(2)(c).

¹²⁵ S Harper and UR Sumaila, Distributional Impacts of Fisheries Subsidies and their reform: case studies of Senegal and Vietnam (IIED Working Paper, 2019) at <https://pubs.iied.org/sites/default/files/pdfs/migrate/16655IIED.pdf>.

¹²⁶ UNICEF (n3) at 39.

¹²⁷ *Ibid.*

¹²⁸ Food and Agriculture Organisation of the United Nations, '*Global Blue Growth Initiative and Small Island Developing States*' (2014) 3.

¹²⁹ *Ibid.*, 4.

- **child's right to food:** Consumption of fish can contribute to up to 90% of animal protein in the diet of coastal communities and national fish consumption in Small Island States can be between 3-4 times higher than the global average per person.¹³⁰
- **child's right to health:**¹³¹ Fulfilment of the child's right to health requires states to take account of the risks of pollution when they undertaking steps including the provision of nutritious food to address problems of malnutrition.¹³² However, despite the potential of aquaculture development, it can contribute to pollution due to antibiotic use and disease transmission from captive to wild fish species.¹³³ This may expose children from small island states, where fish consumption is particularly high, to potential harm from chemicals.

In the context of the development envisioned by goal 14(7), states could take a number of steps to ensure that children's rights are respected and that potential harms from sources such as aquaculture are minimised. They could perform **child rights impact assessments** to identify potential consequences for children's rights from projects which will impact on the environment.¹³⁴ They could also take steps to establish environmental standards which are in line with international health and safety standards and which are based on the best available science.¹³⁵

Businesses should comply with relevant national laws, but also conduct impact assessments to monitor the impact of their proposed policies on children and comply with the Children's Rights and Business Principles.¹³⁶

Target 14(a): Increase scientific knowledge, develop research capacity and transfer **marine technology**, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries.

This target can be linked to children's right to environmental education (Article 29(1)(e)), with a view to enabling them to become meaningful actors in the protection of the environment,¹³⁷ including the marine environment. UNICEF emphasized that this target is linked with article 28(3) which requires states to promote international cooperation in areas such as education, with a view to supporting ocean literacy and enabling access to both scientific and technical resources, especially in developing countries.¹³⁸

¹³⁰ *Ibid.*

¹³¹ Morgera and Sweeney (n56) at 2.

¹³² Convention on the Rights of the Child, article 24(2)(c).

¹³³ UN Environment Programme (n41) 24.

¹³⁴ UN Doc A/HRC/37/58 (n10) para 46.

¹³⁵ *Ibid*, para 72.

¹³⁶ *Ibid*, para 62.

¹³⁷ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children's Rights and the Environment* (2017) at 18.

¹³⁸ UNICEF (n3) at 40.

This target can also support the realization of children’s right to participate in and have their views seriously considered in issues which will affect them¹³⁹ by supporting children in contributing to marine research – providing inputs to existing research projects at different stages (e.g., project design, data collection, data analysis) or conducting child-led research.

Target 14(b) Provide access for small-scale artisanal fishers to marine resources and markets.

Small-scale fishers play a key role in providing food for communities.¹⁴⁰ They contribute to maintaining food security, providing nutrition, addressing poverty and promote the sustainable use of natural resources.¹⁴¹ For UNICEF, this goal relates to the preamble of the Convention on the Rights of the Child with the focus again being on the promotion of social progress and improvement of living standards.

In some circumstances small-scale fishing communities use child labour.¹⁴² Child labourers can be exposed to agricultural toxicants and pesticides in their working environment.¹⁴³ Pesticides and nitrates from the agricultural sector are among the primary pollutants in the marine environment.¹⁴⁴ Exposure to such chemicals is a clear threat to the right of the child to the **highest possible standards of health** under article 24 of the Convention on the Rights of the Child. States should enact the necessary legislative and enforcement strategies to ensure that children are not threatened by working in unsafe or hazardous conditions.¹⁴⁵ An example of such a measure is The Worst Forms of Child Labour Convention, 1999 (No. 182), which requires states to end and prohibit the worst forms of children labour.¹⁴⁶ This includes work which is likely to harm the health of the child.¹⁴⁷

In addition, supporting small-scale artisanal fishers could be an important strategy for the fulfilment of the state’s duty to address malnutrition in children as specified in the child’s article 24 right to health.¹⁴⁸ It is important that states also develop strategies with members of fishing communities to help mitigate, adapt and build resilience to the impacts which climate change will have on small-scale fisheries.¹⁴⁹ Small-scale fishing communities in small islands may need particular support to address the consequences that climate change may create for their food security, nutrition and livelihoods.¹⁵⁰ Assisting these communities will therefore be important in protecting the child’s

¹³⁹ Convention on the Rights of the Child, article 12.

¹⁴⁰ United Nations (n71) at 53.

¹⁴¹ Food and Agriculture Organisation of the United Nations, *‘The International Year of Artisanal Fisheries and Aquaculture 2022’* (Rome, 2019) at 1-2.

¹⁴² *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication’* (Rome, 2015) at 9.

¹⁴³ UN Doc A/HRC/43/30 (n9) para 36.

¹⁴⁴ UN Environment Programme (n41) at 24.

¹⁴⁵ UN Doc A/HRC/43/30 (n9) para 64.

¹⁴⁶ Worst Forms of Child Labour Convention, 1999 (No. 182), article 1.

¹⁴⁷ *Ibid*, article 3(d).

¹⁴⁸ Convention on the Rights of the Child, article 24(2)(c).

¹⁴⁹ *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (n133) at 9.2.

¹⁵⁰ *Ibid*.

article 24 right to health and the article 6 right to life, survival and development. These are two of the rights which will be adversely affected by the climate change.¹⁵¹

Target 14(c) Strengthen Ocean conservation and the sustainable use of ocean resources through the provisions of international law, as provided for in UNCLOS, which contains the legal framework for ocean conservation and the sustainable use of ocean resources as stated in paragraph 158 of *The Future We Want*.

For UNICEF, this goal relates to the preamble of the Convention on the Rights of the Child with the focus again being on the promotion of social progress and improvement of living standards.

It can also be argued that the Convention on the Rights of the Child, as an instrument of international law, can serve as a framework for the pursuit of ocean conservation and sustainability, either by itself or in conjunction with UNCLOS. The convention is a 'living instrument' and should be interpreted and applied in order to meet the current challenges facing children.¹⁵² As stated in the introduction of this paper, the realisation of children's rights are the basis of a sustainable future.¹⁵³

Additional considerations

This research identified other relevant areas in consideration of the importance of a healthy ocean and children's rights, namely:

1. Rights of Indigenous Children

Special attention should be paid to the needs and rights indigenous children. Under article 2 of the CRC, the rights of the child are to be respected without discrimination. Indigenous children are among the groups which are especially vulnerable to environmental pollution due to high levels of exposure in such communities, malnutrition and an absence of effective monitoring of the impacts of pollution in these groups by states.¹⁵⁴ This raises questions of 'environmental racism and injustice' which are contrary to the values of non-discrimination.¹⁵⁵

Indigenous children are a group who are at particular risk from the effects of environmental degradation due to their reliance on ecosystems for access to food, water and the enjoyment of their culture.¹⁵⁶ In the marine context, indigenous peoples are extremely vulnerable to pollutants such as plastics and methylmercury due to their high seafood diet.¹⁵⁷ They are amongst the groups which suffer disproportionately from the consequences of ocean pollution.¹⁵⁸ Despite making a minimal contribution to the problem, indigenous groups suffer greatly from pollution which has originated from far off sources.¹⁵⁹

¹⁵¹ UNICEF (n20) 111.

¹⁵² Geraldine Van Bueren (n77) at 2-3.

¹⁵³ UN Doc A/HRC/34/27 (n1) para 6.

¹⁵⁴ UN Doc A/HRC/33/41 (n36) para 6.

¹⁵⁵ *Ibid.*

¹⁵⁶ UN Doc A/HRC/37/58 (n10) para 65.

¹⁵⁷ Landrigan et al (n34) at 29.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*, at 36.

2. Access to Justice

The ability of the child to access justice is in essential in the context of climate change and environmental pollution.¹⁶⁰ Due to a failure to meaningfully include children in environmental decision making, raising a court option may be the only method for enabling them to defend their rights.¹⁶¹ However, there are a range of obstacles including costs, causation and requirements of standing which can act as barriers to accessing court.¹⁶² In order for children to protect their rights which are reliant on marine biodiversity and to ensure accountability in the context of decision making concerning the marine environment, states must take steps to ensure they can access justice. Such steps could include the provision of guidance regarding how to access justice, and assistance with regard to costs, distance and difficulties relating to illiteracy and language.¹⁶³

3. Child Human Rights Defenders

Children are leading actors in environmental movements and in defending human rights.¹⁶⁴ Children in this position can be at risk from threats, harassment and be the subject of legal actions for expressing their concerns about the activities of businesses contributing causing pollution.¹⁶⁵ It should be recognised by states that those who act to defend biodiversity are also human rights defenders.¹⁶⁶ This could help to provide protection to children who are defending marine biodiversity. States should take all necessary steps to ensure that they comply with the commitments of the 2019 Human Rights Council resolution on providing safe and protective environments for children defending environment related human rights.¹⁶⁷

Conclusions

This paper has demonstrated that the human rights contained within the Convention on the Rights of the Child such as rights to health, life, culture and education all have an important role in the achievement of the various targets of Sustainable Development Goal 14. Children's human rights can help to ensure that resources from marine ecosystems are used in a way which allows both the needs of the present and the future to be responsibly fulfilled.

In the light of the challenges posed by climate change and the vital role of the ocean in regulating the earth's climate, children's human rights should be present in all discussions on Sustainable Development Goal 14 moving forward. To that end, States must take steps to ensure that children who want to defend their rights can effectively participate in decision-making, access justice freely

¹⁶⁰ Committee on the Rights of the Child (n11) at 21.

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*, at 21-22.

¹⁶³ UN Doc A/HRC/37/58 (n10) para 51.

¹⁶⁴ UNICEF (n20) at 112.

¹⁶⁵ Committee on the Rights of the Child (n11) at 20.

¹⁶⁶ UN Doc A/HRC/34/49 (n13) para 68.

¹⁶⁷ 'Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development' 20 March 2019, UN Doc A/HRC/40/L.22/Rev.1.

and without fear of reprisal, with particular attention to indigenous children and other children that may be subject to discrimination.