

CHILDREN'S HUMAN RIGHTS & OCEAN PLASTICS

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While ocean plastics, as a form of marine pollution, undermine the protection of several human rights (see INFO-SHEET No 5), there are particular concerns for children's human rights as set out in the UN Convention on the Rights of the Child.¹

THIS INFORMATION-SHEET INTRODUCES:

- The negative impacts of ocean plastics on children's human rights
- The substantive and procedural obligations of States to protect children's rights in the context
- The responsibility of business to respect children's rights in this context

NEGATIVE IMPACTS ON HUMAN RIGHTS

Children's right to life, survival, health, physical integrity, and development²

- 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.³
- Marine plastics have negative impacts on

¹ 24(2)(c) of the Convention on the Rights of the Child; see UNICEF, 'Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child' (2016).

² Convention on the Rights of the Child, article 6. Sweeney, M and Morgera, E. (2021) – One Ocean Hub Policy Brief: Don't forget a healthy ocean as part of children's right to a healthy environment, 12th July. Available from <https://oneoceanhub.org/wp-content/uploads/2021/09/Policy-Brief.pdf>

³ Antonio Ragusa et al, 'Plasticenta: First Evidence of Microplastics in Human Placenta' (2021) 146 Environment International 106274.



Photo: Screenshot, The Menace of Ocean Plastics film

marine biodiversity upon which human health is dependent in a variety of ways (as a source of biomedical discovery;⁴ as an essential source of food and nutrition, including a rich source of omega 3 fatty acids, selenium, iron and vitamin;⁵ and as a determinant of physical and mental health (in terms of access to clean beaches)⁶, to which children are most vulnerable because they are continually developing and are less resistant;⁷

- Marine plastics have negative impacts on essential marine ecosystem services (such as atmospheric oxygen production),⁸ and as a result children will be prevented from enjoying their rights today and in the future, as their lifelong health outcomes, well-being and development are

⁴ Josep Lloret, 'Human health benefits supplied by Mediterranean marine biodiversity' (2010) 60 Marine Pollution Bulletin 1640, p. 1642

⁵ Hauke Kite-Powell and others, 'Linking the oceans to public health: current efforts and future directions' (2008) 7 Environmental Health 56, p.9; Michael N. Moore and others, 'Linking Oceans and Human Health: A Strategic Research Priority for Europe. European Marine Board Position Paper 19, 2013), p. 49; Josep Lloret and others, 'Challenging the links between seafood and human health in the context of global change' (2016) 96 Journal of the Marine Biological Association of the United Kingdom 29; p. 29

⁶ UNEP (2021), From Pollution to Solution – A global assessment of marine litter and plastic pollution. Synthesis.

⁷ UN Doc A/HRC/37/58

⁸ Yadigar Sekerci and Sergei Petrovskii, 'Mathematical Modelling of Plankton-- Oxygen Dynamics Under the Climate Change.(Report)' (2015) 77 Bulletin of Mathematical Biology 2325, p. 2326

compromised.⁹ There is emerging evidence to suggest that marine plastics may reduce atmospheric oxygen production by inhibiting the growth and functioning of *Prochlorococcus* — a photosynthetic microorganism that produces around ten percent of atmospheric oxygen.¹⁰

Right to a toxic-free environment and right to play

- Ocean plastic pollution is a sub-set of marine pollution that is persistent and accumulates. Plastic makes up as much as 95% of total marine litter,¹¹ and emissions of plastic waste into aquatic ecosystems are projected to nearly triple by 2040 without meaningful action.¹² Marine pollution, in the form of ocean plastics, impacts children’s right to play, leisure and recreation and access to clean beaches, which significantly impacts physical and mental health.¹³

⁹ WHO, *Inheriting a Sustainable World?: Atlas on Children’s Health and the Environment* (Geneva, 2017); UN Doc A/HRC/37/58.

¹⁰ Lina Zeldovich, *Is Plastic Pollution Depriving Us of Oxygen?* (JSTOR Daily 2019), available at: <https://daily.jstor.org/is-plastic-pollution-depriving-us-of-oxygen/>

¹¹ Thevenon, F., Carroll C., Sousa J. (Eds). (2014). *Plastic Debris in the Ocean: The Characterization of Marine Plastics and their Environmental Impacts, Situation Analysis Report*. Gland, Switzerland: IUCN.

¹² UNEP, 2021. *From Pollution to Solution – A global assessment of marine litter and plastic pollution. Synthesis*.

¹³ *Ibid* 32-37.



Photo: Screenshot, *The Menace of Ocean Plastics* film



Photo Credit: Jackie Sunde

Right to food

- As ocean plastics lead to a reduction in marine biomass, there are fewer resources available to meet human needs as a food source. In addition, the ingestion of plastics by marine species presents a food safety risk for humans when contaminated seafood enters the human food chain,¹⁴ although the exact nature and scale of the risks posed to humans by consumption of contaminated seafood is still uncertain,¹⁵ changes in nutrition are likely to have more severe and long-term impacts on children.
- Shortages and contamination in food sources disproportionately impact children, especially those already in situations of vulnerability and poor communities.¹⁶ Undernutrition in young children is a leading cause of death, disease and infection.¹⁷ Long-term impacts of malnutrition include on cognitive development, stunted growth, and access to education.¹⁸

¹⁴ Madeleine Smith and others, 'Microplastics in Seafood and the Implications for Human Health' (2018) 5 *Curr Envir Health Rpt* 375, pp. 380 - 382

¹⁵ *Ibid*.

¹⁶ UN Doc A/HRC/35/13.

¹⁷ UNICEF, "Undernutrition contributes to nearly half of all deaths in children under 5 and is widespread in Asia and Africa", available at <https://data.unicef.org/topic/nutrition/malnutrition/>.

¹⁸ UN Doc A/HRC/35/13.

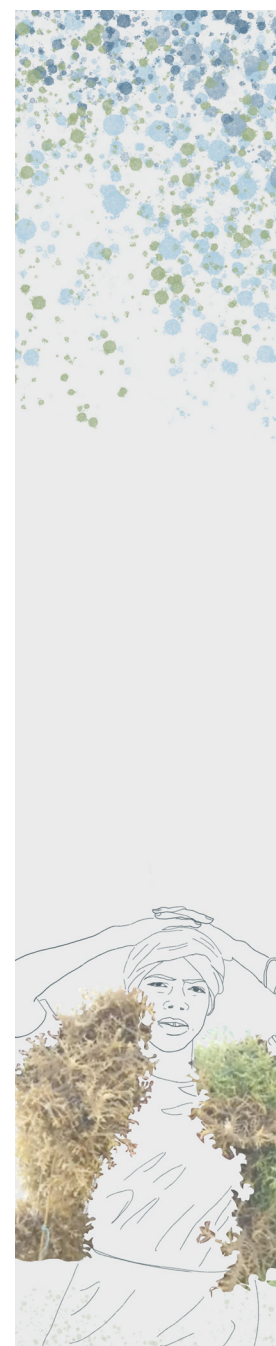


Illustration: Margherita Brunori.



Right to a healthy environment

- Healthy biosphere: ocean plastics negatively affect marine life, causing “lethal and sub-lethal effects in whales, seals, turtles, birds and fish, as well as invertebrates” such as corals. Microplastics act as vectors for pathogenic organisms harmful to fish; they can alter the reproductive success and survival of marine organisms, and they can cause changes in gene and protein expression, inflammation, disruption of feeding behaviour, decrease in growth, changes in brain development, and reduced filtration and respiration rates;¹⁹
- Safe climate: ocean plastics “aggravate the climate emergency, [by] limit[ing] the ability of oceans to remove greenhouse gases from the atmosphere;²⁰
- Both biodiversity loss and climate change harm the poorest and most vulnerable children first (poor children, minorities, migrant children, and children with disabilities²¹), hardest and longest as, during childhood, alterations to the social and physical environment can have far-reaching implications for children’s long-term physical and mental health and overall quality of life.²²



Children’s procedural rights

Addressing ocean plastics as part of ocean pollution requires engagement with youth²³ in accordance with the following child’s procedural rights

- Article 12: right to be heard, and for those views to be given due weight.
- Article 13: right to freedom of expression, which includes the ability to seek, receive and communicate ideas and information

¹⁹ UNEP (2021), *From Pollution to Solution – A global assessment of marine litter and plastic pollution. Synthesis.*

²⁰ UN Doc A/76/207, para 10.

²¹ UN Doc A/HRC/35/13.

²² UNICEF, *Unless we act now: The impact of climate change on children* (UNICEF, 2015).

²³ UNEP, *Towards a Pollution-Free Planet* (2017), at 47.

of all kinds;²⁴

- Article 14: right to freedom of thought and conscience
- Article 15: right to freedom of assembly and association²⁵
- Article 17: right to access information from a variety of sources, which is essential to enable children to participate in environmental decision-making.²⁶
- Article 29(1)(e): right to environmental education, which is a key source of environmental information for children and enables them to become meaningful actors in the protection of the environment,²⁷ including the marine environment.

STATE OBLIGATIONS

In consideration of the potential impacts of ocean plastics on children’s rights, States must:

- take measures to protect marine biodiversity from marine plastics,²⁸ as part of states’ obligation to prevent others from diminishing the natural resources available to people who depend on them for the protection of their basic human rights,²⁹ with heightened cautions to protect the rights of the child;
- prevent children’s exposure to ocean plastics through urgent and immediate actions on the production, use and disposal of plastics, on the basis of the best

²⁴ Convention on the Rights of the Child (1989), article 13(1).

²⁵ UNICEF, ‘Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child’ (2016) at 39. See for example: Youth4Ocean Forum <https://webgate.ec.europa.eu/maritimeforum/en/frontpage/1484>

²⁶ ‘Realizing the rights of the child through a healthy environment’, 3 January 2020, UN Doc A/HRC/43/30, para 59.

²⁷ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children’s Rights and the Environment* (2017) at 18.

²⁸ Graham Hamley, ‘An overview of State obligations towards Marine Biodiversity under the Right to Health’, *One Ocean Hub* blog post, 27 January 2021, <https://oneoceanhub.org/an-overview-of-state-obligations-towards-marine-biodiversity-under-the-right-to-health/>

²⁹ E. Robertson Robert, ‘Measuring State Compliance with the Obligation to Devote the “Maximum Available Resources” to Realizing Economic, Social, and Cultural Rights’ (1994) 16 *Human rights quarterly* 693, p. 708



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PRODUCT LIFE SPAN IN THE OCEAN

Estimated decomposition rates of common ocean debris



Infographic: Children's work book on Ocean Plastics - Product Lifespan

scientific evidence available, with scientific breakthroughs leading to the adoption of effective and timely measures to protect the population³⁰

- establish controls and bans on non-essential plastic production, as action or inaction by states that enable the continuation of harmful practices may constitute a breach of the obligation of non-retrogression;³¹
- use "maximum available resources,"³² including not only financial resources, but also human, technological, organisational, natural and information resources to prevent the negative impacts of ocean plastics on children's human rights;
- integrate child-specific scientific evidence in risk assessments and decision making on ocean plastics; and
- support the inclusion in primary and second education of age-appropriate materials concerning hazardous substances, such as ocean plastics, paying particular attention to the specific needs of impacted communities.³³



Illustration: Margherita Brunori

³⁰ UN Doc A/HRC/48/61, para 10.

³¹ CESCR, General Comment No. 3: The Nature of States Parties' Obligations (Art.2, Para. 1, of the Covenant) (United Nations 1991), para. 9; CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12) (United Nations 2000), para. 32 – see Hamley (n 30).

³² ICESCR, Article 2(1)

³³ UN Doc A/HRC/48/61, para 108(j).

From a **procedural perspective**, States must:

- ensure child-friendly access to information along the plastics cycle, such as the information on environmental and health hazards posed by toxic chemicals in plastics, by:
 - disseminating scientific findings on ocean plastics in a language understandable to children and their carers;
 - making it common knowledge that recycling is not a solution to (ocean) plastics
 - requiring companies to assess and disclose all they know about toxic effects of their products on children, and confidentiality cannot be used as an excuse for not sharing information on risks and harms³⁴
- ensure that children's views are seriously considered in decisions on ocean plastics,

³⁴ Based on A/HRC/48/61, para 42 and 66 and A/76/207, para 80-82.



Photos: Nessim Stevenson

on the basis of their rights to participation³⁵, information,³⁶ expression and education.³⁷ This should be put in place given full consideration to the fact that “children have limited possibilities to exercise their rights to information, participation and access to remedies so States should take enhanced measures to protect their rights in relation to plastics;³⁸

- assess the impact of, and potential unintended consequences of, plastic solutions on children (such as the impact on children with disabilities of single-use plastic bans).
- Ensure access to justice, complaints procedures, redress and remedies for negative impacts on children’s human rights due to ocean plastics are child-friendly, supported by child-sensitive training and professionals.

Internationally, States must integrate children’s views and needs through a human rights-based approach to:

- a new global treaty on plastics, and
- the development of the post-2020 global chemicals and waste strategy,³⁹
- other relevant international negotiations (see INFO-SHEET NO 2).

the companies’ own activities, products, or business relationships, including global supply chains and other international relationships;

- use available safer alternatives to plastics, to mitigate impacts on children’s human rights or actively invest in the development and adoption of safer alternatives and mitigation measures;⁴⁰
- generate and disclose information related to the risks of children’s exposure and on the intrinsic hazards of substances they manufacture and sell;
- communicate publicly and objectively measures taken to mitigate potential childhood exposures; and
- ensure that health and safety information about the potential hazards of ocean plastic to children is made accessible to regulators and businesses down the supply or value chain.⁴¹



Illustration: Margherita Bruñori



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BUSINESS RESPONSIBILITY TO RESPECT CHILDREN'S HUMAN RIGHTS

Petro-chemical manufacturers, packaging manufacturers and manufactures of consumer-products containing plastics (cosmetics, fishing gear) should:

- identify, prevent, and mitigate children’s exposure to toxics in ocean plastics through

³⁵ “Children’s participation in relevant decision-making processes, including those related to climate adaptation and mitigation policies, must be ensured” - [A/HRC/35/13](#), para 32(b).

³⁶ UNICEF, ‘Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child’ (2016) at 39.

³⁷ UNEP, *Towards a Pollution-Free Planet* (2017), at 47.

³⁸ UN Doc A/76/207, para 42.

³⁹ *Ibid*, para 76 and 72.

⁴⁰ UN Doc A/HRC/33/41, Section 4.

⁴¹ UN Doc A/76/207, para. 111.

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