



SDG14 and Children's Human Rights

UKRI GCRF One Ocean Hub

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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 In addition, the UN Human Rights Council's resolution on realising the rights of the child through a healthy environment underscores that fulfilling children's human rights through a healthy environment is a critical driver of achieving the Sustainable Development Goals (SDGs) as outlined in the 2030 Agenda for Sustainable Development.² This requires that the SDGs should be fulfilled in line with the Convention on the Rights of the Child (UNCRC), alongside all UN resolutions on the rights of the child and other relevant international human rights treaties.³

Children are the population group most at risk from environmental harm, whilst contributing the least to environmental degradation.⁴ Together, compounding environmental crises (climate change, biodiversity loss, toxic pollution) are the single greatest threat to the realisation of children's human rights, and risk the regression of progress made on global development, health and human rights in the past 50 years.⁵

Children's human rights are civil, political, economic, social, cultural and environmental. While all human rights applicable to adults are also relevant to children, the UNCRC⁶ offers specific context on respecting, protecting and fulfilling children's human rights, given their vulnerability and evolving capacity. In recent years, amid the looming threat of environmental crises, children's environmental rights have become a focal point for children's human rights defenders and young environmental activists. Young environmental activists recognise the dangers of environmental crises (climate change, as well as biodiversity loss and toxic pollution) and commitments to keep the rise in mean global temperature below 2 degrees Celsius.⁷ So too have UN Human Rights Council Resolutions, which have affirmed the breadth of environmental harm facing children across the world, not limited to climate change.⁸ Child human rights defenders and environmental activists have drawn attention through protest, advocacy and legal challenge to further causes of environmental harm, including at the ocean-climate nexus and increases in extreme weather events, rising sea temperatures, marine pollution and loss of biodiversity.⁹

Against this background, however, insufficient attention has been given internationally to the role of the ocean (from a climate change, biodiversity and toxics perspective) vis-a-vis children's human rights. For instance, the seminal UN reports on children's right to a healthy environment do not even mention the ocean.¹⁰ On the other hand, in international ocean-related processes, children and young

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 UN Doc A/HRC/RES/45/30, para 9.

³ UN Doc A/HRC/34/27, para 19.

⁴ UN Doc CRC/C/88/D/104/2019, para 19.

⁵ UN Doc A/HRC/41/39, para 13.

⁶ UN Doc FCCC/CP/2015/L.9/Rev/1, article 2(1)(a)

⁷ UN Doc A/HRC/34/2; UN Doc A/HRC/RES/45/30

⁸ UN Doc A/HRC/RES/45/30, para 14.

⁹ For examples of young environmental activism and advocacy, see [UNICEF: Young environmental activists demand action and inspire hope](#).

¹⁰ 2016 Report of the UN High Commissioner on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development, [UN Doc A/HRC/34/27](#); 2018 Report of the Special Rapporteur on Human Rights and the Environment on Challenges and Solutions to develop capacity for Deep-sea Research and Management in South Africa (2021). One Ocean Hub Report SEA.

people are considered without explicit reference to their human rights. At the latest UN Ocean Conference in 2022, the Political Declaration adopted by governments contained a commitment to empower girls in progressing towards a sustainable ocean-based economy and to achieving SDG 14, as well as to empower children and youth to “understand the importance of and the need to contribute to the health of the ocean, including in decision-making, through promoting and supporting quality education and lifelong learning for ocean literacy.”

This paper aims to raise awareness about the interdependence of children’s human rights with a healthy ocean, with a view to contributing to bringing together the constituencies working on children’s human rights and on the ocean to fully support children’s participation and the protection of their human rights in ocean decision-making processes. This paper is structured around the targets of SDG14 on Life Below Water and children’s human rights, as outlined in the UNCRC and guidance provided by the Committee on the Rights of the Child. This paper first considers UNICEF’s ‘Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child,’ connecting each target of SDG14 with children’s human rights.¹¹ This paper also considers further developments related to children’s human rights and life below water since 2016, including: the creation of UNICEF’s Child Climate Risk Index; the ‘Climate Case’ admissibility decision at the UN Committee on the Rights of the Child (UNCRC); the ongoing development and consultation on UNCRC General Comment 26 on children’s human rights and the environment, with a special focus on climate change; and the 2021 Joint Commitment by Heads of UN Entities to promote the right of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice.

Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

SDG 14 refers to all aspects of ocean health and to the need not only to conserve certain marine areas and resources, but also to use them sustainably. It is therefore relevant to all the threats and risks arising from the inter-linked global environmental crises (climate change, biodiversity loss and toxics pollution) for the ocean and for children’s human rights dependent on the ocean. For instance, the 2022 report of the Intergovernmental Panel on Climate Change highlighted the impacts of climate change, including ocean acidification (as discussed under SDG 14.3) on the food security, health and nutrition of children. Severe water scarcity now faces roughly half the world’s population, threatening the right to water and sanitation, repeatedly linked to disease and death especially among children under 5.¹² Children’s right to the highest attainable standard of physical and mental health is also increasingly vulnerable among children and adolescents, where mental health challenges -including anxiety and stress- are expected to increase with further environmental harm.¹³ In addition, the 2019 Global Assessment of Biodiversity and Ecosystem Services underscored how children’s well-being

children’s human rights, UN Doc A/HRC/37/58; 2020 Report of the UN High Commissioner for Human Rights on ‘Realizing the rights of the child through a healthy environment’, UN Doc A/HRC/43/30.

¹¹ UNICEF, Mapping the Global Goals for Sustainable Development and the Convention on the Rights of the Child. (2016) <https://www.unicef.org/documents/mapping-global-goals-sustainable-development-and-convention-rights-child>

¹² *Ibid*

¹³ *Ibid*, at 15

(including mental and physical health), as well as their learning and culture are dependent on contact with biodiversity, including marine biodiversity (as discussed under 14.2).¹⁴

UNICEF connects the overarching aims of SDG 14 with the preamble and the following articles of the Convention on the Rights of the Child:¹⁵

- ❖ **Social progress and better standards of life**¹⁶: The UNCRC preamble references the promotion of both social progress and better standards of life, highlighting the role of the ocean as a vital source of food, health, culture, and employment.¹⁷
- ❖ **The right to information and freedom of expression**¹⁸: Convention Articles 13(1) and 17 outline children’s right to freedom of expression, and the right to information. Article 13(1) on freedom of expression includes the ability to seek, receive and communicate ideas and information of all kinds.¹⁹ Article 17 places the obligation on states to ensure that children can access information from a variety of sources.
- ❖ **The right to education**²⁰: Article 29(1)(e) states that education should aim to develop the child’s respect for the natural environment. Environmental information, delivered in a child-friendly manner, is critical to enable children to become meaningful actors in the protection of the environment²¹ and to raise awareness of the ocean’s impact on climate, food, biodiversity, etc. Additionally, Article 28(3) obliges states to encourage and advance international cooperation on education, which is essential in improving environmental literacy, and to improve access to scientific and technical understanding of the marine environment.
- ❖ **The right to participation**²²: These rights are essential drivers to fulfil children’s right to participate in environmental decision-making,²³ which is consistently unfulfilled.²⁴ The rights to information and education are critical in ensuring children have appropriate guidance on the environment, including the marine environment. Furthermore, the right to freedom of expression enables children to own their own views about the right to a healthy ocean. Together, they help to create a space where children are environmentally literate and able to share their views, to fulfil their right to participation.

States Obligations

States obligations in relation to children’s environmental rights are rooted in the Convention on the Rights of the Child, as one of few international human rights instruments which explicitly requires

¹⁴ IPBES, Global assessment report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Brondizio, E. S., Settele, J., Díaz, S., Ngo, H. T. (2021) (eds). IPBES secretariat, Bonn, Germany

¹⁵ *Ibid* at 39.

¹⁶ *Ibid*.

¹⁷ WHO, Health, ‘The Global Ocean and Marine Resources’ Policy Brief Europe (Copenhagen, 2010) at 1.

¹⁸ UNICEF (n11) at 39.

¹⁹ United Nations General Assembly, *Convention on the Rights of the Child* (1989) UN Doc A/RES/44/25, article 13(1).

²⁰ *Ibid*, article 29(1)(e).

²¹ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children’s Rights and the Environment* (2017) at 18.

²² UNCRC, article 12

²³ ‘Realizing the rights of the child through a healthy environment’, 3 January 2020, UN Doc A/HRC/43/30, para 59.

²⁴ ‘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.

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states to take steps to protect the environment.²⁵ In addition, States should take all necessary steps to ensure that they comply with the commitments of the plenary of resolutions relevant to children's human rights and a healthy environment, including the 2019 Human Rights Council resolution on providing safe and protective environments for children defending environment related human rights²⁶ and the 2020 Human Rights Council resolution on realising the rights of the child through a healthy environment.²⁷ Given the importance of marine biodiversity to the realisation of the totality of children's human rights, states should implement measures to ensure the health and protection of the ocean, including:

- States must create legal and institutional frameworks to prevent damage to the ocean due to the actions of both private and state actors, prioritising preventive and precautionary measures and ambitious mitigation efforts.²⁸
- States must adopt and apply standards which are non-discriminatory,²⁹ non-retrogressive³⁰ and which correspond with international standards to protect the rights of those most at risk from marine degradation and biodiversity loss, notably children.³¹
- States must utilise tools to measure the impact, outcomes and implementation of children's environmental rights. These include child rights impact assessments, to identify any adverse consequences for children's rights which arise from projects which will impact on the marine environment,³² and performing child rights budget allocation, to ensure legislation, programmes and policies are implemented with sufficient financial resources to advance children's environmental rights, including a healthy ocean.³³
- Steps must be taken to enable children to share their voices and to have their views given due weight in discussions concerning the marine environment, given its significance as a prominent environmental concern for current and future generations.³⁴
- States should implement a child rights-based approach and prioritise the best interests of the child in the development, monitoring and enforcement of their marine environment laws, policies, and practices.³⁵ Training and capacity building to develop adult allies to child rights defenders and young environmental activists is essential to supporting the realisation of children's environmental rights.

²⁵ UNCRC, article 24(1)(c)

²⁶ '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.

²⁷ UN Doc A/HRC/RES/45/30

²⁸ UN Doc A/HRC/34/49 para 69; UN Doc A/HRC/43/30 (n10) para 107.

²⁹ 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).

³⁰ 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).

³¹ UN Doc A/HRC/34/49 para 69.

³² UN Doc A/HRC/37/58 (n10) para 46.

³³ UN Doc CRC/C/GC/19

³⁴ *Ibid*, paras 48-49; A/HRC/RES/45/30 (n5) para 3

³⁵ UN Doc A/HRC/43/30 (n10) para 107; UN Doc A/HRC/45/30 para 4(a)

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 "[take] into consideration the dangers and risks of environmental pollution."³⁶ The risks and harms of such pollution include:³⁷

- Approximately 80% of pollutants in the ocean are from land-based sources;³⁸
- Methyl Hg, found in high concentrations of infected fish and shellfish, has been linked to the delayed and impaired neurodevelopment of children, as well as death.^{39,40}
- Chemical exposure in utero means children are being born pre-polluted and face increased risk of developing health conditions;⁴¹
- Antibiotic use in humans and agriculture can give rise to antibiotic resistant organisms in seafood and marine waters which can cause serious diseases in children if they are exposed,⁴² 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.⁴³ These plastics are prevalent on the seabed and in marine animals.⁴⁴

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 children and young people help 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:

- article 12 right to have their **views seriously considered**,
- article 13 right to **freedom of expression**

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

³⁷ UNICEF (n11) 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 IPBES (n13), at 53.

⁴⁰ 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.

⁴¹ '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.

⁴² WHO (n16) at 4.

⁴³ Antonio Ragusa, Alessandro Svelato and Criselda Santacroce et al, 'Plasticenta: First Evidence of Microplastics in Human Placenta' (2021) 146 *Environment International* 106274.

⁴⁴ *Ibid.*

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

⁴⁶ *Ibid.*

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- 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’s environmental education is a critical driver of the aforementioned rights. Evidence has linked children’s engagement with nature and the outdoors to improved learning and well-being, where natural environments provide outlets for creativity, play and exploration, and recovery from stress.⁴⁸ Interactions with domestic and wild animals have also been linked to improved mental health among children and adolescents.⁴⁹ In addition, engagement with traditional practices which highlight the importance of nature and the environment have been linked to children becoming adults who continue the care and protection of the environment.⁵⁰ However, children in developed countries are more frequently presenting with a ‘nature-deficit disorder’ due to limited time spent in nature for the purposes of play, leisure and recreation as a result of technology and increased fears of child safety in the outside world.⁵¹ In fulfilling children’s rights to education and culture, formal schooling can decrease connections with nature and traditional knowledge, and impact on traditional education from local adults and elders.⁵² It is therefore important to create healthy balances between formal educational practices and the ‘observation, participation, and imitation’ of traditional knowledge from families and the local community which enshrine a healthy environment.⁵³

Children must be meaningfully represented in ocean governance processes, such as marine spatial planning, and have their rights seriously considered in such discussions. Providing room for children to engage in environmental education, to form their own views and ideas around environmental protection and balancing formal education practices with traditional cultural knowledge are all essential in ensuring children are equipped with the tools and capacity to comfortably contribute to both high-level ocean governance processes and local environmental initiatives.

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.⁵⁴ States could thus include in their national and regional plans aimed at implementing relevant multilateral environmental agreements⁵⁵ 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

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

⁴⁸ IPBES (n14) at 326

⁴⁹ WHO (n17) at 14.

⁵⁰ IPBES (n14) at 78.

⁵¹ WHO (n17) at 14.

⁵² IPBES (n14) at 78.

⁵³ *Ibid*

⁵⁴ UN Doc A/HRC/37/58 (n10) para 74.

⁵⁵ *Ibid*, para 61.

- 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

In addition, the UN has launched [new negotiations on a treaty on the full life cycle of plastics](#), which will be critical also to prevent and address ocean plastics.⁵⁶ These negotiations should include children’s and youth’s voices and duly address the need to protect children’s human rights. Specific [State obligations](#)⁵⁷ with regard to protecting children’s human rights from the negative impacts of ocean plastics can already be identified on the basis of the UNCRC, including:

- prevent children’s exposure to ocean plastics through urgent and immediate actions on the production, use and disposal of plastics;
- use “maximum available resources,”⁵⁸ 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.

Given the extensive impact on children’s rights caused by marine pollution, **business enterprises** have a responsibility⁵⁹ to incorporate children’s rights into their environmental and impact assessment policies,⁶⁰ as well as investment and innovation strategies.⁶¹ 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.⁶² The creation of regulatory frameworks which aim to achieve circularity in production chains could also assist in addressing the impacts of marine pollution.⁶³ Such frameworks could include waste effective management programmes and laws which prohibit and disincentivise the production of common marine pollutants such as plastics, pesticides

⁵⁶ One Ocean Hub, ‘Reflections on the new UN process to develop a treaty on plastics’ (April 2022) <https://oneoceanhub.org/reflections-on-the-new-un-process-to-develop-a-treaty-on-plastics/>

⁵⁷ Elisa Morgera and Sophie Shields, ‘Info sheet: Children’s human rights & ocean plastics’ One Ocean Hub (2022) <https://oneoceanhub.org/publications/info-sheet-childrens-human-rights-ocean-plastics/>

⁵⁸ Convention on the Rights of the Child, article 4.

⁵⁹ 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.

⁶⁰ 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.

⁶¹ UN Doc A/HRC/28/33.

⁶² UN Doc A/HRC/37/58 para 75.

⁶³ 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%20YAC-1.pdf](https://f.hubspotusercontent30.net/hubfs/5867638/Blue%20New%20Deal%202021%20(Draft)%20by%20YAC-1.pdf)

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and chemical waste.⁶⁴ This would encourage a shift from business models which contribute to ocean pollution, to models which are both circular and low-carbon in their production activities.⁶⁵

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.

Marine Biodiversity and Children’s Human Rights: This target emphasises the role of marine ecosystems, as part of marine biodiversity, which refers to the variability among living organisms from marine, aquatic, and terrestrial ecosystems.⁶⁶ Much attention has been paid to the benefits that humankind, including children, derive from ecosystems generally. In particular, marine ecosystems are responsible for the ocean’s capacity to provide food and play a key role in the global water and carbon cycles. The impact of the loss of marine biodiversity on the rights of the child include:

- ❖ **The right to an adequate standard of living⁶⁷:** Fulfilling children’s rights to health, adequate food, and water are often heavily reliant on marine biodiversity.⁶⁸ For example, organisms like bivalve molluscs help to purify water in both freshwater and marine environments through the filtration function they perform.⁶⁹ Additionally, fish and seafood contain important nutrients such as omega 3 and are an essential food source among many indigenous and coastal communities.⁷⁰ It is currently estimated that 415 million children are living in areas with high or extremely high water vulnerability.⁷¹ Without adequate access to healthy food and clean water, children are at disproportionate risk of malnutrition, and diseases linked to contaminated water supplies and poor sanitation, like Cholera, which impact children’s right to health.⁷²
- ❖ **The right to life, survival and development⁷³:** Marine biodiversity is also relevant for the child’s right to life and for states obligations to ensure as far as possible the survival and development of the child.⁷⁴ Ocean flora such as seagrass and mangroves contribute to an estimated 50% of the carbon dioxide which is stored in the ocean environment.⁷⁵ Mangroves and seagrass meadows are important ocean-based solutions to help mitigate the impact of climate change.⁷⁶ Climate change is the most serious threat facing children and youth.⁷⁷ Increases in extreme weather events related to climate change, such as droughts and floods, weaken food security and access to safe water supplies, as outlined above, and impact

⁶⁴ *Ibid*, at 5.

⁶⁵ *Ibid*.

⁶⁶ Convention on Biological Diversity (1992), article 2.

⁶⁷ UN Doc A/HRC/34/49, para 65; WHO, Health, ‘The Global Ocean and Marine Resources’ Policy Brief Europe (n6) 1.

⁶⁸ UN Doc A/HRC/34/49, para 66.

⁶⁹ *Ibid*.

⁷⁰ WHO (n16) at 1.

⁷¹ *Ibid*, at 110.

⁷² *Ibid*, at 109.

⁷³ IPBES (n13).

⁷⁴ Convention on the Rights of the Child, article 6.

⁷⁵ United Nations, ‘The Second World Ocean Assessment,’ Volume 1 (New York, 2021) at 360.

⁷⁶ 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.

⁷⁷ UNICEF, ‘The Climate Crisis is a Child Rights Crisis: Introducing the Children’s Climate Risk Index’ (New York, 2021) at 4.

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children's access to essential services like health and schooling.⁷⁸ Furthermore, almost 90% of the global burden of disease associated with climate change is carried by children under the age of 5.⁷⁹ Climate change is the single greatest threat to the realisation of all children's human rights globally.⁸⁰

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*'.⁸¹ 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.⁸² 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.⁸³ The use of pesticides can reduce ecosystem functionality and biodiversity and reduce their resilience and restorative capabilities.⁸⁴ Pesticides are among the main pollutants in marine and coastal ecosystems.⁸⁵ 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**.⁸⁶ Food from oceans provides essential micronutrients required for development such as omega 3 fatty acids.⁸⁷ These nutrients are essential for foetal development and cardiovascular health.⁸⁸ Photosynthesis performed by phytoplankton organisms produces between 50% to 70% of the earth's oxygen.⁸⁹ Ocean flora such as seagrass and mangroves also contribute to an estimated 50% of the carbon dioxide which is stored in the ocean environment.⁹⁰ These marine and coastal plants are important in mitigating the effects of climate change,⁹¹ which is a potential threat to effective realisation of all children's rights under the Convention on the Rights of the Child.⁹² Mangroves are also important for reducing the impacts of coastal flooding,⁹³ to the risk of which 240 million children are exposed globally.⁹⁴ Surface freshwaters are some of the world's most altered ecosystems, where the loss of biodiversity has been linked to infectious and waterborne diseases, which can cause diarrhoea, a leading cause of mortality in children under 5 in low- and middle-income countries.⁹⁵ The effective protection of marine

⁷⁸ *Ibid*, at 110.

⁷⁹ *Ibid*, at 110.

⁸⁰ *Ibid*, at 111.

⁸¹ UNICEF (n11) at 39.

⁸² UN Environment Programme (n41) at 7.

⁸³ WHO (n16) at 5.

⁸⁴ UNICEF (n20) at 52.

⁸⁵ UN Environment Programme (n41) at 24.

⁸⁶ 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/>).

⁸⁷ WHO, '*Inheriting a Sustainable World? Atlas on Children's Health and the Environment*' (Geneva, 2017) 80

⁸⁸ WHO, *Health, 'The Global Ocean and Marine Resources'* Policy Brief Europe (n6) at 16.

⁸⁹ 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.

⁹⁰ *Second World Ocean Assessment* (n18) 360.

⁹¹ High-Level Panel for A Sustainable Ocean Economy (n19) at 6.

⁹² UNICEF (n75) at 111.

⁹³ *Ibid*, at 85.

⁹⁴ *Ibid*, at 10.

⁹⁵ WHO (n48) at 56.

ecosystems can support the application of nature-based solutions to managing the effects of climate change.⁹⁶

In Kenya, 70% of children presented with urinary schistosomiasis in the ten years after the Hola irrigation project, due to the introduction of a new snail vector. Despite being a project with the purposes of improving the right to health, water and sanitation, the irrigation project led to 90% of children presenting with urinary schistosomiasis by 1982. Ecosystem changes in the construction of irrigation projects and dams are also closely associated with further infections and diseases, including Malaria, presenting an adverse effect on the fulfilment of children's right to health, particularly among vulnerable populations.⁹⁷

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.⁹⁸ 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.⁹⁹ 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 decision-making.

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

Climate change is the primary threat facing the world's children.¹⁰⁰ This target focuses on one aspect of the ocean-climate nexus¹⁰¹ - ocean acidification. When carbon dioxide (CO₂) from the atmosphere dissolves in the ocean, it reacts with the seawater and lowers the pH, causing it to become more acidic.¹⁰² The greater the quantity of dissolved atmospheric CO₂, the more acidic the ocean becomes. 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.¹⁰³ It is estimated that there will be a further rise of between 100% to 150% in ocean acidity by the end of this century.¹⁰⁴ There are important connections between ocean acidification, climate change and children's rights. Climate change is primarily driven by the

⁹⁶ Sustainable Ocean Alliance Youth Policy Advisory Council (n48) at 7.

⁹⁷ WHO (n48) at 59.

⁹⁸ 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.

⁹⁹ UN Doc A/HRC/37/58 (n10) para 48.

¹⁰⁰ UNICEF (n20) at 4.

¹⁰¹ For a full overview of the various dimensions of the ocean-climate nexus and their relevance for human rights, see <https://gnhre.org/community/cop26-reflections-on-human-rights-at-the-ocean-climate-nexus/>

¹⁰² National Research Council of the National Academies, 'Ocean Acidification: Starting with Science' (2010) at 2. <https://www.nap.edu/resource/12904/OA1.pdf>

¹⁰³ United Nations, 'The Sustainable Development Goals Report' (New York, 2020) at 52.

¹⁰⁴ *Ibid.*

emission of CO₂ carbon dioxide from human activities into the atmosphere.¹⁰⁵ Ocean acidification is caused by the absorption of carbon dioxide from the earth's atmosphere.¹⁰⁶ If the ocean is becoming increasingly acidic due to absorbing growing amounts of CO₂ its ability to store carbon and mitigate the effects of climate change will be lessened.¹⁰⁷

This year, the Intergovernmental Panel on Climate Change (IPCC), the most important source of scientific, technical and socioeconomic information on climate change for the UNFCCC, highlighted the impacts of climate change on the food security, health and nutrition on children in their 2022 report. Ocean warming and acidification have adversely affected food production of fisheries and shellfish, where environmental degradation has exposed many to acute food and water insecurity. Interrupted food systems, and decreases in diet diversity, have led to increased malnutrition among children, particularly in communities already vulnerable, including those living in poverty and indigenous communities - posing threats to children's access to adequate and nutritious food.¹⁰⁸ Ocean acidification is therefore a threat to the child's **rights to life, survival and development**.

UNICEF connects this goal with two articles of the Convention on the Rights of the Child.¹⁰⁹ 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 components of marine food chains, are especially vulnerable to ocean acidification.¹¹⁰ 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. 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 realisation of children's right to participate in and have their views seriously considered in issues which will affect them.¹¹¹ 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

¹⁰⁵ 'Climate change widespread, rapid, and intensifying – IPCC' IPCC Press Release (August 9th 2021)

<https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

¹⁰⁶ National Research Council of the National Academies, 'Ocean Acidification: Starting with Science' (2010) at 2.

<https://www.nap.edu/resource/12904/OA1.pdf>

¹⁰⁷ United Nations (n71) at 52.

¹⁰⁸ IPCC, Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegria, M. Craig, S. Langsdorf, S. Lösche, V. Möller, A. Okem, B. Rama (eds.)]. (2022) Cambridge University Press. Cambridge University Press, Cambridge, UK and New York, NY, USA, 3056, at 9.

¹⁰⁹ UNICEF (n11), at 39.

¹¹⁰ UN Environment Programme (n41), at 26.

¹¹¹ Convention on the Rights of the Child, article 12.

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address the consequences of climate change. However, in discussions concerning the effects of climate change, meaningful participation of children has been notably absent.¹¹² This has deprived climate decision-making of the insight, ingenuity and leadership which children can contribute to the issue.¹¹³ It is also incompatible with the binding obligations states have accepted as members of the Convention on the Rights of the Child.¹¹⁴ 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 parliaments¹¹⁵ on these matters.

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.¹¹⁶ An example of this can be seen from the complaint recently filed 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.¹¹⁷ 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.¹¹⁸ They have shifted to being active agents who engage in climate campaigning and raising legal actions against governments for climate inaction.¹¹⁹ 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.

This target specifically focuses on well-known threats to marine biodiversity for food - “the subset of biodiversity that contributes in one way or another to fisheries and aquaculture and food production.”¹²⁰ Illegal, unreported and unregulated fishing practices are key factors in the obstruction

¹¹² 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.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*, at 110.

¹¹⁵ *Ibid.*, at 109.

¹¹⁶ 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.

¹¹⁷ ‘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>

¹¹⁸ 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.

¹¹⁹ *Ibid.*

¹²⁰ FAO, ‘The State of the World’s Biodiversity for Food and Agriculture’ (Rome, 2019) at xxxvii.

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of the achievement of sustainable fisheries.¹²¹ Overfishing is a threat to 33% of fish stocks worldwide.¹²² The biological sustainability of fish stocks declined from 66.7% in 2015 to 65.8% in 2017.¹²³ Overfishing and other harmful fishing practices are therefore clear threats to the child's living standards due to the potential consequences they can have for the security of fish stocks.

In UNICEF's view, the aims of this target are connected to the Convention's preamble, with particular focus on the promotion of social progress and improving living standards.¹²⁴ 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.¹²⁵ Fish is a source of nutrition for children and contains important nutrients such as omega-3 unsaturated fatty acids.¹²⁶ 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.¹²⁷ 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.¹²⁸ At the same time, they should eradicate subsidies which help to enable overfishing and overcapacity or illegal, unregulated and unreported (IUU) fishing.¹²⁹

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 target with the UNCRC preamble, especially the aims to improve living standards and promote social progress.¹³⁰ 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.¹³¹

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

- the child's right to education.¹³² **Environmental education** can provide children with knowledge on the environment and can empower them to become active agents in environmental issues.¹³³
- 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.¹³⁴ For example, *Staphylococcus aureus*, an antimicrobial-resistant organism, has been found in coastal

¹²¹ Second World Ocean Assessment (n18) at 17.

¹²² WHO (n16) at 5.

¹²³ United Nations (n71) at 53.

¹²⁴ UNICEF (n11) 39.

¹²⁵ Convention on the Rights of the Child, article 24(2)(c).

¹²⁶ WHO (n80), at 80.

¹²⁷ UN Doc A/HRC/37/58 (n10) para 23.

¹²⁸ FAO, *The State of World Fisheries and Aquaculture: Meeting the Sustainable Development Goals* (Rome, 2018) at 91.

¹²⁹ *Ibid.*

¹³⁰ UNICEF (n11) at 39.

¹³¹ *Ibid.*

¹³² Morgera and Sweeney (n56) at.2-3.

¹³³ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children's Rights and the Environment* (n11) at 18.

¹³⁴ WHO (n16) at 4.

environments and especially on beaches.¹³⁵ This can cause untreatable infections which children are particularly vulnerable to.¹³⁶ Conservation of coastal areas may either eliminate or significantly diminish the risks of these harms for children.

An additional group of rights which can be connected to SDG 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.¹³⁷ However, these rights to information and participation are usually not effectively realised.¹³⁸ 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.¹³⁹ Children's rights to information also do not receive the appropriate consideration in national laws and policies concerning the environment.¹⁴⁰ For instance, evidence from Peru highlights how effective youth participation can be in protecting coastal and marine areas.¹⁴¹ 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.¹⁴² 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.¹⁴³

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.¹⁴⁴ A safe and pollution-free marine environment is necessary for the child to enjoy this right,¹⁴⁵ based on the interdependence of the child's right to play and the right to a healthy environment.¹⁴⁶ Children face threats to their health from playing in unclean water.¹⁴⁷ There is also the threat of contracting serious disease from antibiotic resistant organisms which are present in coastal waters.¹⁴⁸

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.¹⁴⁹ Subsidies

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *The Future We Want: Outcome document of the United Nations Conference on Sustainable Development* (2012) at 10.

¹³⁸ UN Doc A/HRC/37/58 (n10) para 69.

¹³⁹ UNICEF (n20) at 111.

¹⁴⁰ Committee on the Rights of the Child (n11) at 16.

¹⁴¹ Kerstin Forsberg, 'Engaging Youth to Conserve Coastal and Marine Environments' *UN Chronicle* <https://www.un.org/en/chronicle/article/engaging-youth-serve-coastal-and-marine-environments>

¹⁴² *Ibid.*

¹⁴³ UN Doc A/HRC/37/58 (n10) para 71.

¹⁴⁴ Convention on the Rights of the Child, General Comment 17 (2013), para 9.

¹⁴⁵ *Ibid.*, para 32.

¹⁴⁶ 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>

¹⁴⁷ UN Doc A/HRC/37/58 (n10) para 20.

¹⁴⁸ WHO (n16) at 4.

¹⁴⁹ UNICEF (n11) at 40.

contribute to unsustainable fishing methods and allow economic gains to be made by fishing fleets which would otherwise not be possible.¹⁵⁰ For example, deep-sea bottom trawling is mostly only able to achieve profitability due to state subsidies.¹⁵¹ Overfishing is a threat to 33% of fish stocks worldwide.¹⁵²

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.¹⁵³ Research has established a positive relationship between tree cover and dietary diversity which could be relevant also to sustainable fishing practices, where children in Africa who live in areas with dense tree cover have more diverse and nutritious diets.¹⁵⁴ Replacement of fish and marine foodstuffs from biodiversity with high nutritional significance with mass-produced foods high in energy but low in nutrient density can inhibit disease protection, and increases in malnutrition and hidden hunger. Around 500,000 children deficient in vitamin A lose their sight every year, and increased prevalence of iron deficiency is inhibiting the neurodevelopment of 40-60% of children in low- and middle-income countries.¹⁵⁵

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 subsidised fisheries, with a view to also target children's health and education.¹⁵⁶

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**'.¹⁵⁷

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.¹⁵⁸ 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

¹⁵⁰ 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.

¹⁵¹ *Ibid.*

¹⁵² WHO (n16) at 5.

¹⁵³ Convention on the Rights of the Child, article 24(2)(c).

¹⁵⁴ WHO (n48) at 107.

¹⁵⁵ *Ibid.*, at 92.

¹⁵⁶ 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>.

¹⁵⁷ UNICEF (n11) at 39.

¹⁵⁸ *Ibid.*

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security.¹⁵⁹ In Small Island States, fisheries resources are essential for food security, employment and diet.¹⁶⁰

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

- **child's right to nutritious 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.¹⁶¹
- **child's right to health:**¹⁶² Fulfilment of the child's right to health requires states to take account of the risks of pollution when they undertake steps including the provision of nutritious food to address problems of malnutrition.¹⁶³ 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.¹⁶⁴ 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. States may utilise tools such as ex-ante and ex-post **child rights impact assessments** to assess and evaluate potential consequences for children's rights in relation to proposed and existing policies, programmes and legislation which consider the environment.¹⁶⁵ States may also conduct **child rights budgeting**, to ensure that adequate resources are targeted at furthering the realisation of children's human rights in relation to the environment, including a healthy ocean.¹⁶⁶ They could also take steps to **establish national environmental standards** which are consistent with international health and safety standards and best practice, as well as standards based on the best available science.¹⁶⁷

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.¹⁶⁸

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.

¹⁵⁹ Food and Agriculture Organisation of the United Nations, 'Global Blue Growth Initiative and Small Island Developing States'(2014) 3.

¹⁶⁰ *Ibid*, at 4.

¹⁶¹ *Ibid*.

¹⁶² Morgera and Sweeney (n56) at 2.

¹⁶³ Convention on the Rights of the Child, article 24(2)(c).

¹⁶⁴ UN Environment Programme (n41) 24.

¹⁶⁵ UN Doc A/HRC/37/58 (n10) para 46.

¹⁶⁶ General Comment child rights budgeting

¹⁶⁷ *Ibid*, para 72.

¹⁶⁸ *Ibid*, para 62.

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,¹⁶⁹ including the marine environment. UNICEF emphasised 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.¹⁷⁰

This target can also support the realisation of children’s right to participate in and have their views seriously considered in issues which will affect them¹⁷¹ by supporting children in marine research and decision-making – including project design, co-creation, data collection, data analysis, dissemination or conducting child-led research - and creating decision-making systems which are responsive and accountable to children.

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.¹⁷² They contribute to maintaining food security, providing nutrition, addressing poverty and promoting the sustainable use of natural resources.¹⁷³ 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.

Children continue to be exploited into child labour in small-scale fishing communities around the world.¹⁷⁴ Those exploited into child labour are at risk of exposure to agricultural toxicants and pesticides in their working environment.¹⁷⁵ Pesticides and nitrates from the agricultural sector are among the primary pollutants in the marine environment.¹⁷⁶ Due to their vulnerability, exposure to marine pollutants in hazardous working conditions can have a severe effect on children’s neurological development, their physical and mental well-being and threatens the violation of their human rights. Exposure to such chemicals is a clear threat to children’s right 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.¹⁷⁷ 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.¹⁷⁸ This includes work which is likely to harm the health of the child.¹⁷⁹

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

¹⁶⁹ Committee on the Rights of the Child, *Report of the 2016 Day of General Discussion: Children’s Rights and the Environment* (2017) at 18.

¹⁷⁰ UNICEF (n11) at 40.

¹⁷¹ Convention on the Rights of the Child, article 12.

¹⁷² United Nations (n71) at 53.

¹⁷³ Food and Agriculture Organisation of the United Nations, *‘The International Year of Artisanal Fisheries and Aquaculture 2022’* (Rome, 2019) at 1-2.

¹⁷⁴ *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication’* (Rome, 2015) at 9.

¹⁷⁵ UN Doc A/HRC/43/30 (n10) para 36.

¹⁷⁶ UN Environment Programme (n41) at 24.

¹⁷⁷ UN Doc A/HRC/43/30 (n10) para 64.

¹⁷⁸ Worst Forms of Child Labour Convention, 1999 (No. 182), article 1.

¹⁷⁹ *Ibid*, article 3(d).

health.¹⁸⁰ 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.¹⁸¹ 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.¹⁸² Assisting these communities will therefore be important in protecting the child's 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 climate change.¹⁸³

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 target 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.¹⁸⁴ As stated in the introduction of this paper, the realisation of children's rights is the basis of a sustainable future.¹⁸⁵

¹⁸⁰ Convention on the Rights of the Child, article 24(2)(c).

¹⁸¹ *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (n133) at 9.2.

¹⁸² *Ibid.*

¹⁸³ UNICEF (n75) at 111.

¹⁸⁴ Geraldine Van Bueren (n116) at 2-3.

¹⁸⁵ UN Doc A/HRC/34/27 at 6.

Conclusions and ways forward

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 SDG 14. Children’s human rights can help to ensure that the ocean, its resources and marine ecosystems are conserved and used sustainably, 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, biodiversity loss and toxic pollution, the vital role of the ocean in the context of these interlinked planetary environmental crises, children’s human rights should be present in all discussions on SDG 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 and without fear of reprisal, with particular attention to indigenous children and other children that may be subject to discrimination.

Equally, a healthy ocean should be included in ongoing processes on children’s human rights, namely:

- *consideration at the national and international levels of the key findings in the Sacchi et al. v. Argentina et al. ‘Climate Case’ decision by the UN Committee on the Rights of the Child;*¹⁸⁶
- ongoing development of UNCRC General Comment 26 on children’s human rights and the environment, with a special focus on climate change; and
- implementation of the 2021 Joint Commitment by Heads of UN Entities to promote the right of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice.¹⁸⁷

Considering what has been learnt in ‘The Climate Case’

The Climate Case¹⁸⁸ concerns an Individual Communication under the Third Protocol to the Convention on the Rights of the Child. Although the case was eventually considered inadmissible by the Committee, it still provides important guidance for States party to the UNCRC to protect children’s rights in the context of climate change. As argued throughout this paper, these considerations should also **include the role of a healthy ocean when they are taken up in efforts to implement the UNCRC at the national level**. The follow-up action by the Committee also provides an **example for how other UN bodies and international processes can contribute to protect children’s human rights to a healthy environment (and a healthy ocean)**.

To provide some background, in 2019, 16 children from 12 countries submitted to the Committee on the Rights of the Child asking them to hold five states - Argentina, Brazil, France, Germany and Turkey – to account for the harmful effects of climate change on children’s rights, including health, life and culture.¹⁸⁹ The Climate Case was found to be inadmissible due to the children’s failure to exhaust

¹⁸⁶ UN Doc CRC/C/88/D/104/2019

¹⁸⁷ United Nations, Step Up: A joint commitment by Heads of United Nations Entities to promote the right to a healthy environment of children and their participation in climate justice decision-making at all levels. <https://childrightsconnect.org/2021-annual-informal-exchange-between-the-un-committee-on-the-rights-of-the-child-and-states-on-the-opic-2/>

¹⁸⁸ UN Doc CRC/C/88/D/104/2019

¹⁸⁹ *Ibid*, at 19.

domestic remedies concerning their complaint before seeking the Committee’s judgement. However, the actions which preceded and followed the inadmissibility decision set a welcome precedent for future environmental action led by children in future legal action at the highest level.

In *Sacchi et al. v Argentina*, the children argued that the continuing rise in global average temperature had already caused environmental devastation, including extreme weather, flooding and rising sea levels which posed a greater risk to children as among those least responsible for environmental degradation but most vulnerable to its effects.¹⁹⁰ The Committee noted in their decision that the children had sufficiently justified the jurisdiction of the Committee in relation to **human rights violations caused by the State party’s action or omission related to environmental harm**.¹⁹¹ In addition, the Committee’s decision was a landmark moment in relation to extra-territorial jurisdiction, as the Committee ruled that **a State party can be held accountable for the negative impact of its carbon emissions on children’s rights, both within and outside its territory**.¹⁹²

Access to justice remains a central component of the Climate Case. In their complaint, the children argued that States parties should “ensure intergenerational justice for children and posterity.”¹⁹³ Despite being inadmissible, the publication of an open letter, a child-friendly version of the decision and conducting oral hearings with the children significantly contributed to the effective realisation of the children’s right to access information in a timely and accessible manner, a right which constitutes an essential part of access to environmental justice.¹⁹⁴ **Setting high standards for engaging with children in order to fulfil their right to be heard in high-level environmental decision-making at UN-level** has crafted space for another group of children to bring an admissible complaint about children’s environmental rights to the Committee, and the open letter is clear on the necessity of access to justice for children in relation to the environment. The Committee’s open letter to children affirmed that subsequent cases could be admissible.¹⁹⁵

In conclusion, despite the inadmissibility of the individual communication under the Third Optional Protocol to the UNCRC, the Committee on the Rights of the Child in ‘The Climate Case’¹⁹⁶ offers insights on:

- clarifying that a UNCRC state party **can be held accountable for the negative effects of environmental degradation on children’s rights, both within and outside its territory**. So, 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;¹⁹⁷ and

¹⁹⁰ *Sacchi et al v. Argentina et al. Communication No. 104/2019 (Argentina), Communication No. 105/2019 (Brazil), Communication No. 106/2019 (France), Communication No. 107/2019 (Germany), Communication No. 108/2019 (Turkey).*

¹⁹¹ UN Doc CRC/C/88/D/104/2019 at 10

¹⁹² Note: the Committee declined to rule on whether States Parties in this specific case had violated their obligations under the UNCRC, due to inadmissibility.

¹⁹³ *Sacchi et al. v. Argentina et al.* (n190) at 4

¹⁹⁴ *Ibid*, at 5.

¹⁹⁵ “The Committee expects States that have signed up to the OPIC to ensure that it is possible for children in each State to be able to make such complaints and have them dealt with properly. However, if there is no access to justice for children, or if their complaints are not dealt with properly, the case can be brought to the Committee under the OPIC, which is the correct international forum.”

¹⁹⁶ *Sacchi et al v. Argentina et al.* (n190)

¹⁹⁷ ‘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.

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- how to **meaningfully engage with child human rights defenders and activists, which provides an example of good practice for other international processes.** The Committee’s oral hearings and open letter to the children provide an important precedent for setting up child-friendly proceedings and for listening to children’s voices in high-level international environmental decision-making.¹⁹⁸

UNCRC state parties can be held accountable for the negative effects of ocean degradation on children’s rights, both within and outside their territory.

UN bodies and other international processes concerned with ocean health can follow the example of the UN Committee on the Rights of the Child in meaningfully engaging with child human rights defenders and activists.

General Comment 26

In June 2021, the UN Committee on the Rights of the Child announced their decision to draft General Comment 26 (GC26) on children's rights and the environment, with a special focus on climate change.¹⁹⁹ The Committee’s process thus far has included some consultation with children in several countries, as well as with State parties and relevant environmental experts. While the general comment is still in the consultation and draft development stage, some insights are offered in the Committee’s concept note for General Comment 26 which suggest the scope and ambition of GC26. The Committee’s concept note acknowledges the breadth of environmental harm to some extent, including concerns around the loss of biodiversity and pollution. The concept note also acknowledges that the enjoyment of human rights depends on thriving, biodiverse and healthy habitats and ecosystems and points to the importance of the ocean in the context of extreme weather events, rising sea levels and coastal flooding.

GC26 will consider the threat caused by environmental degradation on children’s human rights, including the rights to health, food, water and sanitation, education, housing, culture and development.²⁰⁰ In line with international best practice and evidence, those most at risk of being ‘left behind’ and those most vulnerable to climate change include children with disabilities, children on the move, children living in poverty, children separated from their families, and children under the age of 5.²⁰¹

The scope of the general comment, which may consider the right to a healthy ocean and the preservation of marine biodiversity, lies in underscoring the need for urgent action, including mitigative and adaptive approaches to environmental harm, though details remain unclear.

¹⁹⁸ See: <https://childrightsconnect.org/historic-ruling-by-the-un-committee-on-the-rights-of-the-child-in-the-climate-change-case-brought-by-16-child-petitioners-under-the-opic/>

¹⁹⁹ See: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-26-childrens-rights-and>

²⁰⁰ UN Doc A/HRC/35/13

²⁰¹ CRC ‘Report of the 2016 Day of General Discussion: Children’s Rights and the Environment

<https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/DGDoutcomereport-May2017.docx> 4-6

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The Committee will also seek to further clarify:

- How children can and should exercise their rights in relation to a safe, healthy and sustainable environment, including the right to participation and access to justice to protect against environmental harm.
- Addressing the gaps in current understanding of key issues and concepts related to children's human rights and the right to a healthy environment including international cooperation, extraterritorial obligations, future generations and intergenerational equity.

While General Comment 26 will be a needed addition to the growing body of international guidance on the linkages between children's human rights and the right to a healthy environment, including a healthy ocean, the focus on the climate may not bring sufficient attention to the compounding global environmental crises - including the loss of biodiversity and toxics pollution. This explicit emphasis on climate change, therefore, risks urgent action required to prevent further harm to the ocean and marine biodiversity, which is essential to uphold progress on global health, sustainable development and the eradication of poverty and inequality, and protect and fully realise children's human rights.²⁰²

It is essential that the new General Comment 26 on children's rights and the environment makes reference to the need to address coherently the [inter-linked global environmental challenges of climate change](#), biodiversity loss and toxics pollution, and provides [explicit calls for action on protecting the ocean](#).

2021 Joint Commitment by Heads of United Nations Entities

The Joint Commitment by Heads of United Nations Entities on stepping up efforts to promote the right to a healthy environment of children and their participation in climate justice decision-making at all levels, developed under the UN Secretary-General's Call to Action for Human Rights, marks a step forward in recognising the need to mainstream children's human rights across the UN. The UN Joint Commitment promotes the right of children, youth and future generations to a healthy environment and their participation in matters relating to climate action and justice.

The Heads of UN entities committed to the promotion of children's rights, as well as the rights of youth and future generations, to climate justice and a healthy environment. Commitments included to:

- **Conduct and support effective advocacy to recognise and realise children's right to a safe, clean and healthy environment**, through measures which may include: increasing support to Member States, creating legislative and policy frameworks which promote a healthy and

²⁰² See the various contributions made so far by the One Ocean Hub to the process of developing GC26 in this connection: [Critical Human Rights Issues at the Ocean-Climate Nexus | One Ocean Hub](#); [Shedding light on children's rights to environmental education and to healthy biodiversity | One Ocean Hub](#); [Highlighting the role of the ocean in the context of children's rights to a healthy, safe and sustainable environment in the midst of a climate crisis | One Ocean Hub](#)

²⁰³ United Nations (n187)

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sustainable environment, and frameworks to support effective realisation of access to environmental justice and remedies.²⁰⁴

- **Support scaling up of children’s meaningful participation in all stages of UN policies and decision-making**, including in: the implementation of the Paris Agreement, the 2030 Agenda and the Sustainable Development Goals, and National Adaptation Plans.²⁰⁵
- **Enable and support children’s leadership and empowerment in environmental action, with particular focus on those facing the greatest adversity**, through: considering the unique and intersecting forms of discrimination, supporting human rights-based and child-friendly needs analyses and assessments, and increasing opportunities for engagement through targeted, flexible and agile funding for children’s capacity development and leadership.²⁰⁶
- **Meaningfully partner with a range of children with diverse lived experience at local, national and global levels**, through: protecting and promoting children’s civic space, expanding avenues for children’s meaningful participation in decision-making on climate change, and enabling and fostering consistency and longevity for youth-led efforts on human rights and environmental processes.²⁰⁷
- **Uphold all children’s human rights with respect to the environment and climate justice**, including: the rights to life, play, meaningful and informed participation, development and justice.²⁰⁸
- **Promote child-friendly and child-led research, data, analysis and accountability to generate decision-making equipped to respond to the impact of environmental crises on children’s human rights and climate justice.**²⁰⁹

Also, as part of these international efforts, it will be crucial to pay sufficient and specific attention to the interdependence of children's human rights and a healthy ocean, and to ensure that the UN can make progress in supporting children’s participation in international ocean-related processes.

²⁰⁴ *Ibid.*, at 2.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ See exchange between youth representatives, Hub researchers and colleagues from the UN Environment Programme on this topic at the Glasgow Climate Summit in 2021: <https://www.youtube.com/watch?v=TVoF8hmSpEE&t=414s>.

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