

IMPACT STORY

Protecting children's rights at the
Ocean-Climate Nexus: Informing
new UN guidance





Photo: Bernadette Snow

The Hub's research underscores that almost all children's human rights can be negatively affected by the degradation of ocean health and marine biodiversity.

The One Ocean Hub was the first and continues to be the leading international authoritative voice speaking on the need to protect children's human rights that are dependent on a healthy ocean. We have quickly achieved notable impact on international policy- and law-making in this area.

One of our core strategies for work in this area has been to invest in relationships with key coalitions on children's rights and the environment, namely the [Children's Environmental Rights Initiative \(CERI\)](#) and the [Working Group on Children's Rights and the Environment](#). Joining these coalitions has amplified the reach of the Hub's research-based recommendations. In turn, we've learned from partners who have been active in this space for much longer than the Hub.

A significant focus of collaboration between the Hub and CERI has been preparing inputs to the development of a major new UN General Comment.

UN General Comment 26: an important opportunity

UN General Comments are adopted by treaty committees to interpret the treaty's articles, how specific issues relate to it, or its methods of work. UN General Comments are highly valued; they provide detailed guidance, clarify the

content of rights, and provide advice on how States can best comply with their obligations.

In June 2021, the Committee of the UN Convention on the Rights of the Child decided to draft a new General Comment on children's rights and the environment with a special focus on climate change. The Hub and CERI recognized General Comment 26 as a vital opportunity to influence the treaty's interpretation. The Comment could promote a holistic approach to children's human rights and the right to a healthy environment, offer guidance and clarity in relation to the obligations of States, and guide the monitoring activities of the UN Committee on the Rights of the Child.

Recognising the Hub as a leading actor on the international stage with a focus on the ocean and children's rights, the UN Committee on the Rights of the Child specifically sought out our expertise. The Hub was asked to co-organise with CERI a [thematic consultation on biodiversity and children's rights](#) for input into the General Comment. Hub Director Prof. Elisa Morgera co-wrote the consultation's discussion paper and delivered an introductory presentation on the importance of the Convention on Biological Diversity (CBD) and the UN Convention on the Law of the Sea (UNCLOS) for the protection of children's human rights. Throughout the consultation, Prof. Morgera underscored the fact that almost all children's human rights can be negatively affected by the degradation



Illustration: Margherita Brunori

Every year 1.7 million children lose their lives due to avoidable environmental damage.



of ocean health and marine biodiversity. Noting that current policy and scholarly work on children's human rights to a healthy environment and a safe climate have focused on land, she argued it was necessary for the Comment to make explicit references to the ocean and biodiversity/ecosystems.

Hub researchers also took part upon invitation in other thematic consultations, including: children's right to education; exploring the implications of the Human Rights Council's 2021 recognition that a clean, healthy, and sustainable environment is a human right; and a child rights-based approach to climate action.

The Hub was also invited to present on oceans and children's rights at the North American regional consultation on the rights of the child and at an international conference on the Comment, organised with the participation of several Committee members. Throughout the processes of developing General Comment 26, the Hub advocated for the General Comment to explicitly reference the right to a healthy ocean, so the ocean would not continue to be forgotten in discussions on the right to a healthy environment. We also repeatedly cautioned against non-integrated approaches to environmental problems, drawing attention to the climate-biodiversity-ocean-human rights nexus.

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Seeing results: key concepts in the General Comment

Hub researchers from different disciplines wrote a rapid-assessment blog post in November 2022 when the zero draft of the General Comment was released.

In it, they celebrate the zero draft's implicit and explicit references to the ocean, while urging the addition of vital concepts and associated language. In February 2023, the Hub submitted written suggestions to strengthen the draft.

The General Comment was then adopted in July 2023 and its text released in September. The Hub successfully ensured that both "biodiversity" and the "ocean" were included in the UN General Comment 26. Notably, a section within the Comment clarifies that States party to the UN Convention on the Rights of the Child must take action immediately to

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Professor Elisa Morgera, One Ocean Hub Director



Illustration: Margherita Brunori

“prevent marine pollution by banning the direct or indirect introduction of substances into the marine environment that are hazardous to children’s health and marine biodiversity” (para 65(f)). The same section also clarifies that States party to the treaty should take action immediately to:

- “Conserve, protect and restore biodiversity for the current and future generations”, which can be understood to include marine biodiversity;
- “Ensure access to safe and sufficient water and healthy aquatic ecosystems”, which includes the ocean and its role in the global water cycle; and
- “Transform industrial fisheries to produce healthy and sustainable food aimed at preventing malnutrition and undernutrition” (para 65), which includes fisheries, according to definitions of ‘agriculture’ in the UN system.

IMPACT!
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What next?

The publication of General Comment 26 has kicked off more work for the Hub and its partners. As part of the Working Group on Children’s Rights and the Environment, the Hub is taking the lead in awareness-raising activities and policy briefs on the relevance of General Comment 26 for the UN Food and Agriculture Organization (FAO) and the CBD. This work will carry forward the Hub’s commitment to facilitate cooperation across and within previously unconnected UN bodies, promoting a human rights-based approach to ocean governance.

We are now working with UN partners to ensure that similar references to the ocean and biodiversity are included in the upcoming [General Comment on Sustainable Development and the International Covenant on Economic, Social and Cultural Rights](#) and in UN guidance on the protection of small-scale fishers’ human rights, as part of our collaboration with the FAO, the UN Office of the High Commissioner for Human Rights, and the UN Special Rapporteur on the Right to Food.

As much as the Hub has had a discernible impact on General Comment 26’s development, we can also see how our own work has been shaped by these processes. The Hub is developing a new framework on children’s right to be heard in international processes at the ocean-climate nexus (Shields et al. 2023), drawing attention to the roles of [children as ocean and climate defenders](#), and exploring what the interface of children’s right to development and

Illustration: Margherita Brunori



Children will inherit the future of the ocean. Their voices need to be heard and valued.



rights to culture might mean for ocean-related education (Strand et al. forthcoming).

The Hub's engagements with such international processes as General Comment 26 are informed by our academic research and our many partners and collaborators whose work, beliefs, and lives are shaped by the ocean. We will continue to bring these perspectives to international forums.

Publications

1. J Knox and E Morgera, "Human rights and the environment: The interdependence of human rights and a healthy environment in the context of national legislation on natural resources" (2022), FAO Legal Paper 109, <https://www.fao.org/3/cb9664en/cb9664en.pdf>.
2. E Morgera, "Biodiversity as a human right and its implications for the EU's external action" (2020). Report to the European Parliament, requested by European Parliament's Subcommittee on Human Rights, [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603491/EXPO_STU\(2020\)603491_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603491/EXPO_STU(2020)603491_EN.pdf).
3. M Lennan and E Morgera, "The Glasgow Climate Conference (COP26)" (2022), 37 *The International Journal of Marine and Coastal Law* 137-151, https://brill.com/view/journals/estu/37/1/article-p137_6.xml.
4. E Morgera, M Sweeney and S Shields "SDG14 and Children's Human Rights" (2022), <https://oneoceanhub.org/publications/sdg-14-and-childrens-human-rights/>.
5. E Morgera and M Lennan, "Strengthening intergenerational equity at the ocean-climate nexus: Reflections on the UNCRC General Comment No 26" (2022), 52 *Environmental Policy and Law* 445-459.
6. M Strand, S Shields, E Morgera, D McGarry, AMSN Lancaster, L Brown, and B Snow, "Protecting children's rights to development and culture by re-imagining 'ocean literacies'" (*International Journal of Children's Rights*, under review).
7. S Shields, A Longo, E Morgera, and M Strand, "Children's human right to be heard at the ocean-climate nexus" (2023), *The International Journal of Marine and Coastal Law* (published online ahead of print 2023), <https://doi.org/10.1163/15718085-bja10140>.

