

Don't forget a healthy ocean as part of children's right to a healthy environment

by Michael Sweeney, University of Strathclyde, UK and
Elisa Morgera, One Ocean Hub; 12 July 2021

This **policy brief** is primarily aimed at **human rights lawyers, government representatives and civil society** contributing to discussions on children's rights and the environment, with a view to raising their awareness about the unique role the ocean has in the protection of those rights.

The brief is also relevant for:

- State actors who make decisions concerning the ocean (its conservation and the sustainable use of marine and coastal areas and resources)
- NGOs involved in ocean conservation, environmental protection and/or human rights
- Businesses interested in the impacts their activities may have on the ocean, the larger environment and/or children; and
- youth activists and educators.

Background

This policy brief was developed as a response to the limited consideration paid to a healthy ocean in research on children's rights and the environment and in relevant UN reports (eg: the 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; the 2018 Report of the Special Rapporteur on Human Rights and the Environment on children's human rights, UN Doc A/HRC/37/58; and the 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).

This brief thus aims to open a dialogue with human rights experts on the importance of a healthy ocean for children's human rights, in particular with a view to contribute to recent international initiatives on children's human rights and a healthy environment, with a focus on climate change.

These international processes include:

- the UN Committee on the Rights of the Child's initiative to develop a General Comment on child rights, environment and climate change, which will serve as authoritative guidance on how children's rights are impacted by the environmental crisis and what States must do to uphold these rights for decades to come; and
- the implementation of the UN System's UN Joint Commitment to promote the right of children, youth and future generations to a healthy environment, notably with regard to the commitment to promote relevant child- and youth-inclusive, and child- and youth-led, research data collection, analysis and accountability.



Key messages:

- **Ocean degradation** is a major threat to the protection and enjoyment of children's human rights;
- Despite its importance, ocean health is paid little attention in research on **children's rights** and the environment and in relevant UN reports;
- **Human rights** experts involved in international initiatives on children's human rights, a healthy environment and climate change should ensure consideration of the role of a healthy ocean for protecting and fully realizing children's human rights;
- States and businesses should ensure that their decision, activities and **policies on ocean** conservation and sustainable use should systematically consider potential impacts on children's human rights;
- **Future research** on the relationship between a healthy environment, climate change and children's human rights should consider the importance of the ocean for the protection of these rights.
- The importance of a healthy ocean for children's rights should be included in **education initiatives**, with a view to promoting greater participation of children in ocean decision-making processes and conservation initiatives.



Equally, this **brief aims to start raising awareness** about the **inter-dependence of children's human rights and a healthy ocean** to ensure that children's rights are properly considered in ocean-relation processes at regional, national and local levels, including as part of inter-generational equity. Notably, it is necessary to raise awareness about the relevance of children's human rights in efforts aimed at implementing SDG14 and other SDGs (hunger, health, poverty, climate action) in synergy and for the long term, including in the context of the UN Decade of Ocean Science for Sustainable Development 2021-2030 and the UN Decade on Ecosystem Restoration 2021-2030.

The following sections highlight **key facts and scientific findings** on the dependence of children's human rights from a healthy ocean.



1. Children's right to life, development and survival

- Phytoplankton photosynthesis in the ocean generates between 50-70% of the earth's oxygen¹ thereby affecting children's rights to life, development and survival;
- Foetal exposure to high levels of methylmercury from the consumption of contaminated seafood can cause death of those in utero;²
- Foetal exposure to methylmercury and PCB chemicals from contaminated seafood can increase the risk of children developing life-long conditions, such as ADHD, autism and learning difficulties,³ thereby affecting children's right to development.

2. Children's right to highest standards of health

- Microplastics have been found in sections of the human placenta, raising concerns relating to the potential impact on the health of the foetus.⁷ Exposure to chemicals in utero means children are being born pre-polluted and face increased risk of developing health conditions.⁸
- Methylmercury exposure through the consumption of contaminated fish can increase the risk of those in utero and young children developing neurological conditions.⁹
- Children are especially susceptible to serious diseases from exposure to antibiotic resistant organisms in seafood and marine waters, which have arisen due to antibiotic use in humans and agriculture.¹⁰

3. Children's right to food

- The ocean is as a source of food for 3.5 billion people.¹¹
- Ocean pollution can reduce biodiversity and lead to a loss of fish species,¹² with potential implications for children's food security.
- Fish is an important source of nutrition for children due to it containing elements such as omega-3 unsaturated fatty acids.¹³ Access to nutritious food is vital given that children consume greater quantities of food than adults per unit of their body weight.¹⁴

4. Children's right to culture

- For some cultures and some indigenous peoples, the ocean is an intimate component of ways of life.¹⁵ Indigenous children are particularly vulnerable to ocean degradation due to the harm it causes to natural ecosystems which are essential for their culture.¹⁶

5. Children's political and civil rights

- Consideration of children's rights is also normally absent from environmental impact assessments,¹⁷ which are often also inadequate in considering the full range of environmental and socio-cultural impacts of proposed ocean uses.
- The protection of "ocean defenders" as environmental human rights defenders is also lagging behind compared to land defenders, raising concerns about the protection of children acting as ocean defenders. For example, the 2019 UN Human Rights Council resolution on the protection of environmental human rights defenders does not make any reference to the ocean.¹⁸

6. Children's right to education

- Environmental education can provide children with the knowledge to defend their environmental rights,¹⁹ by increasing the child's understanding of environmental issues and of our capacity to respond to environmental challenges.²⁰ But it remains to be clarified to what extent environmental education sufficiently includes knowledge about the ocean and its importance for children's rights to health, food and life.

Linked to climate change

- The ocean helps mitigate climate change by storing carbon dioxide and regulating the earth's atmospheric temperature,⁴ so it should be meaningfully considered in assessments concerning the impacts of climate change on the child's rights to life, development and survival,⁵ as well as being integrated in education and political engagement with children on climate change more generally;
- Climate change impacts on the ocean, including sea-level rise, more unpredictable and destructive storms and flooding events⁶ can also threaten children's rights to life and survival.

What's next – The One Ocean Hub is working on an in-depth paper to explore:

- The inter-dependence of children's rights to housing, water, play and science with a healthy ocean
- Children's right to benefit from ocean ecosystems and ocean ecosystem restoration
- Children's right to non-discrimination (gender, disabilities, etc) and ocean-related decision-making.
- Consideration of the best interests of the child in marine spatial planning, environmental impact assessments and strategic environmental assessments;
- Children's right to fairly and equitably share in the benefits arising from a blue economy,
- Business responsibility to respect children's human rights that are dependent on a healthy ocean; and
- International cooperation on children's human rights and a healthy ocean.

*Please send any comments
to One Ocean Hub Director
Elisa Morgera on
elisa.morgera@strath.ac.uk*

[1] 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, at 248.

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

[3] 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 2.

[4] Keong (n 1), at 246

[5] '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 33.

[6] UNICEF, 'The Climate Crisis is a Child Rights Crisis: Introducing The Children's Climate Risk Index' (New York, 2021) at 111.

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

[8] '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.

[9] WHO, Health, The Global Ocean and Marine Resources Policy Brief Europe (Copenhagen, 2010), at 9.

[10] Ibid, at 4.

[11] UN Environment Programme, Towards a Pollution-Free Planet (2017), at 7.

[12] Ibid, at 24.

[13] WHO, Inheriting a Sustainable World?: Atlas on Children's Health and the Environment (Geneva, 2017), at 80.

[14] UN Doc A/HRC/37/58 (n5) para 23.

[15] Sea Country: An Indigenous Perspective, The South-East Regional Marine Plan (2002) The National Oceans Office Tasmania, at 9.

[16] UN Doc A/HRC/37/58 (n5) para 65.

[17] Ibid, para 46.

[18] '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, para 20.

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

[20] UN Doc A/HRC/37/58 (n5) para 71.

About the One Ocean Hub:

The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy-ocean whereby people and planet can flourish. It is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), and operates in South Africa, Namibia, Ghana, Fiji and Solomon Islands, with international dimensions.

Funded by:  