

What children's human rights experts need to know about a healthy ocean as part of the right to a clean, healthy, and sustainable environment.

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This info sheet provides an overview of the relevance of the ocean in the UN General Comment No. 26 on children's rights and the environment, with a special focus on climate change (GC26). GC26 provides authoritative guidance on how the implementation of the UN Convention on the Rights of the Child depends on progress in environmental protection, and vice versa. This info sheet is particularly addressed to child rights research and advocacy experts.

We underscore the urgent need to protect children's human rights within the context of the ocean-climate nexus, addressing the triple planetary crisis in a holistic way, and emphasising the roles

of States and businesses in safeguarding these rights for current and future generations.

A holistic notion of the environment and children's human rights

GC26 clarifies that 'a clean, healthy and sustainable environment is both a human right itself and necessary for the full enjoyment of a broad range of children's rights. Conversely, environmental degradation, including the consequences of the climate crisis, adversely affects the enjoyment of these rights...' (para 8) However, there has been historic asymmetry in attention warranted to the three interlinked planetary crises, leading to most focus on combatting climate change. For the protection

KEY MESSAGES

• States must take immediate action to:

- protect children from the triple planetary crises of the climate emergency, biodiversity loss and pervasive pollution;
- protect and restore marine biodiversity, to protect children's human rights;
- prevent marine pollution, and the introduction of substances which are alarmingly damaging to children, including greenhouse gases;
- address the ocean-climate nexus, and prioritize ocean-based climate action on the basis of the ecosystem and human rights-based approaches;
- transform industrial fisheries to produce healthy and sustainable food, aimed at preventing malnutrition and promoting children's growth and development.

• States must also:

- take preventative and precautionary measures and targeted steps to protect children's human rights at the ocean-climate nexus;

- include consideration of children's rights in environmental impact assessments and strategic environmental assessments for projects, policies and plans that concern the ocean (including [blue economy and just transition initiatives](#)), as well as in marine spatial planning; and
- provide children with appropriate and timely access to justice and remedies, in redress for current and future harms to the marine environment.

- **Businesses (such as, but not limited to, fishing companies) must exercise due diligence to avoid contributing to the planetary environmental crises, and respect children's human right to a healthy environment, including a healthy ocean.**

- **The child rights community is encouraged to share current best practice and child rights expertise with ocean and climate experts, to address the gap in understanding and action on children's human rights and the ocean-climate nexus.**

- **All actors must consider the impacts of their activities on the ocean and the impacts on children's human rights.**

and promotion of the right to a healthy environment, there must be adequate attention on the significant role of the ocean and the vital nature of its protection. As such, the Committee considers that:

- ‘While the present general comment is focused on climate change, its application should not be limited to any particular environmental issue’ (para 5); and
- States must take immediate action to protect children from the triple planetary crisis (climate emergency, biodiversity loss and pervasive pollution) as ‘an urgent and systemic threat to children’s rights globally’ (para 1).

To that end, it is significant that GC26 incorporated the substantive definition of the right proposed by the UN Office of the High Commissioner for Human Rights, as – ‘clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments’ (paras 63-64).

Where is the ocean included in GC26?

The current threats to the protection of a healthy ocean form a critical part of the planetary crises of biodiversity loss and pervasive pollution, as further illustrated in GC26.

*‘The extent and magnitude of the triple planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children’s rights globally. The unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, have had a profound impact on the natural environment, fuelling climate change, intensifying the **toxic pollution** of water, air and soil, causing **ocean acidification** and devastating **biodiversity** and the very ecosystems that sustain all life’ (para 1).*

The following are references in GC26 that are relevant to the ocean:

- ‘Toxic pollution of water’
 - The General Comment underscores that ‘exposure to toxic pollutants, even at low levels, during developmental windows of increased vulnerability can easily disrupt the maturational processes of the brain, organs and the immune system and cause disease and impairments during and beyond childhood, sometimes after a substantial latency period. The effects of environmental contaminants may even persist in future generations. States should consistently and explicitly consider the impact of exposure to toxic substances and pollution in early life’ (para 24);
 - In this case, ‘toxic substances and pollution’ extends to ocean plastic pollution and the introduction into the ocean of greenhouse gases, establishing a further link between climate change and the ocean.

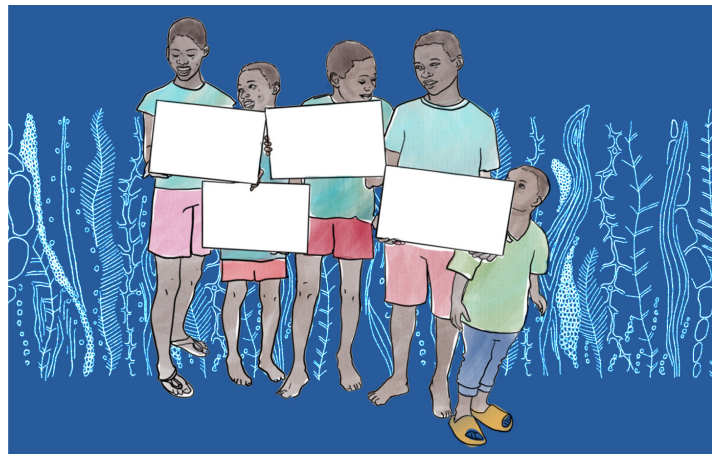


Illustration by Margherita Brunori

- ‘Ocean acidification’
 - The ocean becomes more acidic as a consequence of absorbing CO₂ from the earth’s atmosphere. As the ocean becomes even more acidic, it is unable to absorb CO₂ emissions as efficiently as before. As a result, the ocean may lose its ability to help mitigate the effects of climate change, leading to more emissions and extreme weather events, which poses a real threat to children and future generations’ right to health and to life, survival and development.
- ‘Devastating biodiversity’
 - Ocean pollution and acidification threaten marine biodiversity which risks a reduction in fish species, a critical source of nutritious food for many children, particularly those from Indigenous and coastal communities. This has serious implications for the fulfilment of children’s right to adequate food, health, development and culture.

Ocean-Climate Nexus

- Children's human rights at the ocean-climate nexus encompass their fundamental right to a healthy environment, while emphasising their right to live in a world where the impacts of climate change and ocean degradation are mitigated and where biodiversity is protected for future generations. This acknowledges both the threat of planetary crises relevant to the ocean, and the fundamental role that the ocean plays in climate mitigation, through the absorption of CO₂ and heat, and the provision of nutritious food sources, such as fish, for example.

State obligations to protect children’s rights

Beyond the substantive considerations about the environment itself, there are relevant provisions in GC26 for States from an ocean governance perspective. The General Comment No. 26 clarifies that for the realisation of children’s right to a healthy environment, States should take immediate action to:



Illustration by Margherita Brunori

- conserve, protect and restore biodiversity;
- 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 ecosystems;
- transform industrial fisheries to produce healthy and sustainable food aimed at preventing malnutrition and promoting children's growth and development (para 65(c)-(f)).

States' obligations to protect children and their rights in light of the three interlinked planetary crises also include to:

- take appropriate preventive measures to protect children against reasonably foreseeable environmental harm, paying due regard to the precautionary principle;
- assess the environmental impacts of policies and projects, mitigating foreseeable harm if it is not preventable, including SEAs and marine spatial planning;
- provide for timely and effective remedies to redress both foreseeable and actual harm;
- take deliberate, specific and targeted steps towards achieving the full and effective enjoyment of children's right to a healthy environment;
- develop legislation, policies, strategies or plans that are science-based and consistent with relevant international guidelines related to environmental health and safety;
- refrain from taking retrogressive measures that are less protective of children; and
- set and enforce environmental standards that protect children from disproportionate and long-term effects, considering that children are far more likely than adults to suffer serious harm, including irreversible and lifelong consequences and death, from environmental degradation (paras 69, 71 and 73).

Business responsibility to protect children's rights

In addition, the UN General Comment sets out that 'business activity is a source of significant environmental damage,

contributing to child rights abuses,' including 'unsustainable fishing practices' (para 71). Further examples expressly linked to ocean activities include offshore oil and gas extraction, and disposal at/into the sea of toxic substances.

The 2023 [UN Special Rapporteur on Human Rights and the Environment report](#) and the UN Working Group on Business and Human Rights have also underscored the negative impacts on the environment and human rights from foreign investment in offshore energy projects, deep-seabed mining and other blue economy initiatives, citing the [Hub's contribution](#) submitted with the [International Institute for Environment and Development](#). The UN Special Rapporteur therefore recommended that foreign investors should be subject to enforceable human rights responsibilities -including mandatory human rights and environmental due diligence and impact assessments on trade and investment agreements. He also expressed supports for the ongoing negotiations on a new international treaty on transnational corporations and human rights.

Future Generations

GC26 also makes mention of the concepts of intergenerational equity and future generations, which are significantly relevant also to the protection of the marine environment and the [ocean-climate nexus](#). The Committee underscores that:

- While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent;
- As well as their immediate obligations already highlighted in regard to the environment, States bear the responsibility for foreseeable environment-related threats arising as a result of their acts or omissions now, the full implications of which may not manifest for years or even decades (para 61).

This is especially relevant in the context of the new [Maastricht Principles on Future Generations](#). Therefore, the full extent of obligations and protections required from States and the responsibility of business actors with regard to children's human right to a healthy ocean extend to children living right now, and in respect of protecting against the three interlinked planetary crises for future generations. To achieve this requires sustained action of all levels of ocean governance to include children's human rights in all forms of decision making (see our proposed [framework](#)), with the support of expertise and advocacy from the child rights community and child environmental human rights defenders.

