

Integrating the General Comment 26 on Children's Rights and a Healthy Environment in the implementation of the Global Biodiversity Framework

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This policy brief is aimed at experts in biodiversity law, governance, conservation and sustainable use. It seeks to clarify the relevance of the 2022 Global Biodiversity Framework (GBF) for the realisation of children's right to a clean, healthy and sustainable environment. To that end, this note explains the extent to which the GBF already refers to children, and connects implicitly the Convention on Biological Diversity (CBD) with the UN General Comment No. 26 on children's rights and the environment, with a special focus on climate change (GC26).

The Comment was adopted by the UN Committee on the Rights of the Child, and provides more clarity on the risks and opportunities to ensure the protection of children's rights in the context of biodiversity conservation and sustainable use. This policy brief will focus in particular on children's human right to be heard, the rights of Indigenous children and girls, and child environmental human rights defenders. The brief pays particular attention to the conservation and sustainable use of marine biodiversity, which is crucial also for climate change mitigation and adaptation.



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KEY MESSAGES

States should:

- **Protect the human right to a healthy environment of children from biodiversity loss, and in taking decisions on biodiversity conservation and sustainable use;**
- **Ensure children's representation and participation in decision-making through any media of the child's choice, including art, so that their views are considered seriously;**
- **Draw on experience and methodologies developed within the children's rights community, in including children in biodiversity-related decision-making;**
- **combat negative societal attitudes to children's right to be heard;**
- **collect and make publicly accessible information about how biodiversity loss may harm children, including at the ocean-climate nexus;**
- **equip children to understand the effects of climate change-related decisions on their rights;**
- **provide information on biodiversity-health issues that is physically accessible, understandable and appropriate to children's age and educational level;**
- **closely consider the discriminatory impact of biodiversity loss on Indigenous children, children in local communities, and girls, through their meaningful engagement;**
- **recognise, protect and realise the demands of child environmental human rights defenders, including child ocean defenders.**



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Kunming-Montreal Global Biodiversity Framework

The [Kunming-Montreal Global Biodiversity Framework](#) sets out an ambitious plan to implement broad-based action to catalyse, enable and galvanise urgent and transformative action by governments, and subnational and local authorities, with the involvement of all of society, to halt and reverse biodiversity loss by 2030, in line with the 2030 Agenda for Sustainable Development. It seeks to ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled.

For the first time in the history of the Convention on Biological Diversity, there is an explicit reference to the need to implement the Framework according to a human rights-based approach, acknowledging the human right to a clean, healthy and sustainable environment and ensuring gender equality and the empowerment of women and girls. In addition, the Framework's implementation must ensure that the rights, knowledge, innovations, worldviews, values and practices of Indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law.

These references are very important, as they connect human rights with the 2030 [ocean-related goals](#) contained in the Global Biodiversity Framework with regard to:

- ensuring that all areas are under participatory, integrated and biodiversity-inclusive spatial planning and/or effective management processes addressing land- and sea-use change, to bring the loss of areas of high biodiversity importance close to zero;
- effectively conserving 30% of terrestrial, inland water, coastal, and marine areas through protected areas and other effective area-based conservation measures; and

- ensuring that at least 30% of degraded terrestrial, inland water, coastal, and marine ecosystems are under effective restoration.

In addition, the Global Biodiversity Framework contains an explicit reference to children:

TARGET 22: Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and **girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.**

Children's human rights and biodiversity

The UN [Convention on the Rights of the Child](#) is the global human rights treaty that considers the civil, political, economic, social, and cultural rights of children –defined as all persons under the age of 18. The Convention is the most widely and rapidly ratified of all UN human rights treaties, with almost universal ratification. The UN Committee on the Rights of the Child is responsible for monitoring the implementation of the Convention, and it provides authoritative guidance on how to interpret the Convention in different thematic contexts, through General Comments. These Comments also serve an important role as a mechanism for the accountability and monitoring of States.

The General Comment No. 26 considers children's rights and the environment, with a special focus on climate change. It outlines that children's right to a healthy environment is implicit in the Convention – both a human right itself and necessary for the full enjoyment of a broad range of children's rights – and encompasses 'clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments'.¹ The Comment emphasises that biodiversity loss is part of the triple planetary crisis, indicating that States "must take immediate action" to protect children from it as an urgent and systemic threat to children's rights globally."² In addition, the General Comment refers to marine pollution and large-scale fisheries as threats to children's human right to a healthy environment, thereby allowing to consider the protection of marine biodiversity, including at the [ocean-climate nexus](#).³

1 GC 26, paras 63-64.

2 GC 26, para 1.

3 GC 26, para 65. See the One Ocean Hub's policy briefs "What ocean experts need to know about children's human right to a clean, healthy, and sustainable environment, including a healthy ocean" and "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" (2023).

Children's right to be heard and Target 22

To ensure children's "full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making" related to biodiversity, in accordance with the GBF Target 22, it is necessary to protect the **children's human right to be heard**, as part of their right to participate in decisions affecting their lives and "express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously."⁴ This right includes the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."⁵

In this connection, the General Comment stresses that children must be recognised and fully respected as environmental actors, human rights defenders and agents of change who "have made historic contributions to human rights and environmental protection."⁶ It thus points to the transformative opportunity arising from the exercise by children of their rights to freedom of expression, participation and to be heard to lead to "more ambitious and effective, environmental policies."⁷ This could provide new spaces for intergenerational dialogue and partnership, in order to avoid discrimination against children, but also co-develop equitable approaches to biodiversity conservation and sustainable use with children.⁸

That said, the barriers to children's meaningful participation in environmental decision-making, at different scales, should be fully and critically appreciated. Special consideration must be given to children's reliance on adults to facilitate their



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participation in spaces where decision-making is historically adult-driven, consider children's evolving capacity, and provide access to age-appropriate, child-friendly and accessible materials and avenues for children's participation.⁹ There is a whole body of experience and methodologies developed within the children's rights community, that can and should be drawn upon.¹⁰ In addition, there are issues related to overcoming stereotypes about children's relevance and capacity to meaningfully contribute to international decision-making.¹¹ Accordingly, the General Comment specifically requires States to "combat negative societal attitudes to children's right to be heard."¹²

Thus, the General Comment underscores that:

"Even from an early age, children can enhance the quality of environmental solutions, for example, by providing invaluable insights into issues such as the effectiveness of early warning systems for environmental hazards. Children's views should be proactively sought and given due weight in the design and implementation of measures aimed at addressing the significant and long-term environmental challenges that are fundamentally shaping their lives. Creative means of expression, such as art and music, may be used by children to participate and express their views. Additional support and special strategies may be required to empower children in disadvantaged situations, such as children with disabilities, children belonging to minority groups and children living in vulnerable areas, to exercise their right to be heard. The digital environment and tools can enhance consultations with children and expand their capacity and opportunities to be effectively engaged in environmental matters, including through collective advocacy, if carefully used, with due attention given to challenges regarding digital inclusion."

4 CRC Art 12.

5 CRC Art 13(1) – emphasis added.

6 GC 26, para 4.

7 GC 26, para 8.

8 S Shields et al (2023), 'Children's Human Right to be Heard at the Ocean-Climate Nexus' 38 The International Journal of Marine and Coastal Law 545-580.



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9 S Shields, J Davidson and E Webster, 'United Nations Convention on the Rights of the Child Incorporation in Scotland: Participation and Beyond' [unpublished manuscript] Inspiring Children Futures Learning Report Series.

10 Shields et al (n 8) at 21.

11 D Lupin and L Townsend, 'The Right to Consultation is a Right to Be Heard' in D Lupin (ed), A Research Agenda for Human Rights and the Environment (Edward Elgar, Cheltenham, 2023), pp. 103-121, albeit referring to adult human rights-holders.

12 GC 26, para 70.

The General Comment also clarifies in this connection too States' obligations as part of international cooperation. It indicates that

"At the international level, States, intergovernmental organisations and international non-governmental organisations should facilitate the involvement of children's associations and child-led organisations or groups in environmental decision-making processes. States should ensure that their obligations concerning children's right to be heard are incorporated into international environmental decision-making processes, including in negotiations and the implementation of instruments of international environmental law. Efforts to enhance youth participation in environmental decision-making processes should be inclusive of children."

It is essential to see these obligations also as an opportunity for transformation: meaningful engagement with children can provide innovative thinking,¹³ as "children's imagination is very different from adult cognition, as their experiences of time and place are distinctive."¹⁴ Utilising children-centred participatory processes, which rely on fun, play and arts, can help challenge vested interests, power asymmetries and tendencies towards short-term and exclusionary decision-making to the benefit of adults' understanding and decisions.¹⁵

Children's right to information and Target 22

The General Comment makes critical connections between children's right to be heard and the right to be protected from

13 C Wyborn et al. (2020), 'Imagining Transformative Biodiversity Futures' 3 Nature Sustainability 670.

14 D McGarry (2014), 'Empathy in the Time of Ecological Apartheid: A Social Sculpture Practice-led Inquiry into Developing Pedagogies for Ecological Citizenship' (PhD Thesis, Rhodes University, South Africa).

15 Shields et al (n 8).



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misinformation about environmental risks and harm¹⁶ through education and enabling environments.¹⁷ These clarifications are important also for the implementation of the Global Biodiversity Framework. States must collect and make publicly accessible information about the environment and how it may harm children, and equip children so that they can understand the effects of climate change-related decisions on their rights and exercise their participatory rights in effective ways.¹⁸ This should be interpreted also to include understanding of the biodiversity-climate nexus and the ocean-climate nexus.

With regard to the scope of information on biodiversity-health-related issues, States must provide information that should be "physically accessible, understandable and appropriate to children's age and educational level", co-designed with children, included in school curriculum as well as disseminated widely to children who do not attend school.¹⁹ In addition, States should provide children with "information about the outcomes of environment-related consultations and feedback on how their views were taken into account and have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded."²⁰

Indigenous children and local community children

The General Comment underscores that "Indigenous children are disproportionately affected by biodiversity loss", so States should:

- closely consider the discriminatory impact of biodiversity loss, such as deforestation, on traditional land and culture and the quality of the natural environment, while ensuring the rights to life, survival and development of Indigenous children;

16 GC 26, para 70.

17 GC 26, para 27.

18 GC 26, para 102.

19 GC 26, para 58-59.

20 GC 26, para 27.

- pay particular attention to preserving the traditional land of Indigenous children and protecting the quality of the natural environment for the enjoyment of their rights, including their right to an adequate standard of living; and
- undertake measures to meaningfully engage with Indigenous children and their families in responding to environmental harm...taking due account of and integrating concepts from Indigenous cultures and traditional knowledge in mitigation and adaptation measures.

Comparable measures should be taken regarding the rights of children belonging to non-Indigenous minority groups whose rights, way of life and cultural identity are intimately related to nature.²¹

Equality for Girls

The General Comment underscores that environmental degradation is a form of structural violence against children and increases girls' vulnerability to gender-based violence, child marriage, female genital mutilation, child labour, abduction, trafficking, displacement, sexual violence and exploitation and recruitment into criminal, armed and/or violent extremist groups.²² States are therefore to:

- avoid discrimination against girls in the design and implementation of child-sensitive and disability-inclusive climate change adaptation measures,²³ which the CBD Parties should take according to an ecosystem approach;
- take additional measures to ensure that girls affected by climate change enjoy their rights, including by addressing the underlying causes of vulnerability;

21 GC 26, paras. 58 and 49.

22 GC 26, para. 35

23 GC 26, para 101-102.



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- recognise and address the disproportionate indirect and knock-on effects of environmental degradation on children's education, paying special attention to gender-specific situations;²⁴
- ensure gender-responsive access to justice pathways for children.²⁵

Children EHRDs

Given the reference to children and to environmental human rights defenders in GBF Target 22, it is crucial for CBD parties to:

- recognise the status of child environmental human rights defenders, including child ocean defenders;
- ensure heightened levels of protection for child defenders;²⁶ and
- realise their demands for urgent and decisive measures to tackle global environmental harm."²⁷

See also the One Ocean Hub's policy brief for Child Ocean Defenders [here](#).

24 GC 26, para 57.

25 GC 26, para 83.

26 UNEP, The Rights of Child Human Rights Defenders: Implementation Guide (2020).

27 GC 26, para 4.