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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Right to development of children and future generations****Report of the Special Rapporteur on the right to development, Surya  
Deva***Summary*

In the present report, submitted pursuant to Human Rights Council resolutions 33/14 and 51/7, the Special Rapporteur on the right to development, Surya Deva, focuses on the right to development of children and future generations. He explains why the right to development, in accordance with the Declaration on the Right to Development, should inform and complement children's rights and child development under the Convention on the Rights of the Child and other standards. He proposes five action pillars to overcome ongoing challenges in realizing the right to development of children. The Special Rapporteur also explains why and how to take seriously the human rights – including the right to development – of future generations. He recommends four policy shifts to build an ecosystem supportive of the right to development and all other human rights of future generations.



## I. Introduction

### A. Context

1. The right to development, like many other human rights, has both individual and collective dimensions.<sup>1</sup> All human beings and peoples are the bearers of the right to development. However, some bearers face additional challenges in realizing their right to development. For example, they might have been marginalized or made vulnerable due to a variety of societal factors. They might also face invisibility because they are not on decision makers' radars.

2. In the present report, the Special Rapporteur focuses on realizing the right to development of children and future generations. Children are often referred to as the future of society. However, they are part of the present generation of rights holders and should not be confused or conflated with future generations.<sup>2</sup> The term "future generations" should be understood to refer to all generations that do not yet exist,<sup>3</sup> but will exist and inherit the Earth in the future.<sup>4</sup> The Special Rapporteur recommends that the concept of future generations should be understood to include all organisms, not merely human beings.<sup>5</sup>

3. The focus on children and future generations is underpinned by three factors. First, the right to development from the perspective of children has, to date, received inadequate attention. With some exceptions,<sup>6</sup> the mutually reinforcing nexus between child development and the right to development of children under the 1986 Declaration on the Right to Development has not been analysed.

4. Second, many current challenges to the realization of human rights such as environmental pollution, climate change, conflicts, food insecurity, disruptive new technologies and the debt crisis will have more impact on these two categories of bearers of the right to development.<sup>7</sup> While children and future generations will experience disproportionate impacts of such challenges, they will have made no or a minimal contribution to these challenges. Children and future generations should be central to all governance decisions.

5. Third, children have started to take leadership on issues and decisions affecting their rights and those of future generations. Moreover, human rights standards that focus on the human rights of future generations have started to emerge. The 2023 Maastricht Principles on the Human Rights of Future Generations are a case in point.<sup>8</sup> States are negotiating a Declaration on Future Generations, to be adopted at the Summit of the Future in September 2024.<sup>9</sup> It is therefore timely to analyse the implications of these standards for the right to development.

<sup>1</sup> A/HRC/48/63, para. 12.

<sup>2</sup> See the discussion of challenges concerning the lack of a precise definition of "future generations", especially whether children are part of future generations, in Aoife Nolan, "Children and future generations rights before the courts: the vexed question of definitions", available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4793229](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4793229).

<sup>3</sup> Edith Brown Weiss, "Intergenerational equity", in Anne Peters and Rüdiger Wolfrum (eds.), *The Max Planck Encyclopaedia of Public International Law*, available at [www.mpepil.com/](http://www.mpepil.com/), para. 4.

<sup>4</sup> Maastricht Principles on the Human Rights of Future Generations, para. 1.

<sup>5</sup> This is in line with the idea of multispecies justice. See submission from Rosemary Lyster, available at <https://www.ohchr.org/en/calls-for-input/2024/call-input-2024-reports-special-rapporteur-right-development>.

<sup>6</sup> Noam Peleg, *The Child's Right to Development* (Cambridge University Press, 2019).

<sup>7</sup> Natural disasters led to the internal displacement of 7.3 million children in 2021, while 5.6 million children were displaced due to the armed conflict in Ukraine. Office of the Special Representative of the Secretary-General on Violence against Children, "The climate crisis and violence against children" (2023), p. 7, and [https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/advocacy\\_brief\\_protection\\_of\\_children\\_on\\_the\\_move\\_in\\_times\\_of\\_crisis.pdf](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/advocacy_brief_protection_of_children_on_the_move_in_times_of_crisis.pdf), p. 7. See also E/HLPF/2024/4.

<sup>8</sup> See <https://www.rightsoffuturegenerations.org/the-principles/english>.

<sup>9</sup> See <https://www.un.org/en/summit-of-the-future/declaration-on-future-generations>.

## B. Objectives

6. In the present report, the Special Rapporteur seeks to achieve two main objectives. First, he elaborates on the value of applying a right to development lens, in line with the Declaration on the Right to Development and other subsequent instruments, to complement the standards concerning the rights of children and child development. He also proposes five action pillars to overcome ongoing challenges in realizing the right to development of children. A prioritized implementation of these pillars will strengthen the goal of realizing all human rights of every child.

7. Second, the Special Rapporteur highlights the need for present generations to take seriously the human rights – including the right to development – of future generations. This is necessitated, among other factors, by the principle of intergenerational equity acknowledged in the Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the Paris Agreement and other relevant standards. He also recommends four policy shifts needed to ensure that present generations take cognizance of possible adverse impacts of their decisions on the rights of future generations or on the ability of future generations to realize these rights.

## C. Methodology

8. In the present report, the Special Rapporteur builds on international standards concerning the right to development and the human rights of children and future generations. He also draws on relevant literature and the practice of States and other actors. His analysis is also informed by insights gained from extensive outreach to collect input from all stakeholders in an inclusive and transparent way.

9. In response to the Special Rapporteur's call for input from States and other stakeholders, over 90 submissions were received, from States, United Nations funds, businesses, civil society organizations, community groups, academics and other individuals.<sup>10</sup> The Special Rapporteur also conducted in-person consultations in Bangkok, Geneva and Suva and organized three virtual consultations to engage representatives of various non-State actors from all world regions. In addition, he had several bilateral conversations with representatives of States, members of the Committee on the Rights of the Child, other experts and a small group of children. The Special Rapporteur is grateful to all stakeholders for providing input in various forms.

## D. Scope and limitations

10. The Special Rapporteur highlights the value of applying a right to development lens to standards relating to children's rights and child development. He also outlines five action pillars to overcome ongoing challenges in realizing the right to development of children: investing in child development, nurturing responsible leadership, enabling participation, ensuring safety and facilitating remediation. He also elaborates on why and how to take seriously the human rights of future generations. Present generations must not compromise the future of future generations by ignoring the principle of intergenerational equity.

11. The Special Rapporteur acknowledges that, owing to space constraints, it was not possible to engage with all international standards aimed at protecting the rights of children in diverse settings such as family matters, advertising, criminal justice, privacy, climate change and the environment. Nor was it possible to analyse climate litigation initiated by children as, or for, future generations.

<sup>10</sup> See <https://www.ohchr.org/en/calls-for-input/2024/call-input-2024-reports-special-rapporteur-right-development>.

## II. Selected normative standards concerning the rights of children and child development

12. The evolution of international standards concerning children’s rights can be traced back to the Declaration on the Rights of the Child adopted by the League of Nations in 1924. Since then, numerous international standards have addressed the rights of children.

### A. International Bill of Human Rights

13. Article 25 of the Universal Declaration of Human Rights entitles mothers and children to “special care and assistance” and children to “social protection”. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights include the obligation of States to uphold equal rights – including education and protection – for all children. The International Covenant on Economic, Social and Cultural Rights also requires States to “set age limits below which the paid employment of child labour should be prohibited and punishable by law” (art. 10 (3)) and to take steps for the provision of the reduction of “infant mortality and for the healthy development of the child” (art. 12 (2)). Moreover, article 24 (3) of the International Covenant on Civil and Political Rights provides that “every child has the right to acquire a nationality” – a right which is of critical significance for children facing statelessness due to discrimination, gaps in nationality laws, lack of birth registration and conflicts.<sup>11</sup>

### B. International humanitarian law

14. Children are especially vulnerable in armed conflicts.<sup>12</sup> Therefore, international humanitarian law seeks to safeguard children’s rights by protecting them from violence and the negative impacts of armed conflicts. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), both of 1977, offer special protection to children by recognizing their needs for food, clothing, medical help and clothing, as well as care of children who are orphaned or separated from their families. Moreover, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict seeks to protect children from recruitment and use in hostilities.

### C. Convention on the Rights of the Child

15. The Convention on the Rights of the Child – the most widely ratified human rights treaty – adopts the best interests of the child as an overarching principle in safeguarding the rights of the child.<sup>13</sup> Several of its provisions focus on the child’s multidimensional development: physical, mental, spiritual, moral and social development. Article 6 (2) provides that States parties should “ensure to the maximum extent possible the survival and development of the child”. States should also ensure that the child is “protected against all forms of discrimination” (art. 2 (2)).

16. States parties “recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development” (art. 27). They also “recognize the right of the child to be protected from economic exploitation and from

<sup>11</sup> UNCHR, “I am here, I belong: the urgent need to end childhood statelessness” (2015).

<sup>12</sup> See <https://www.icrc.org/en/law-and-policy/protected-persons-children>; and Jonathan Kolieb, “Protecting the most vulnerable: embedding children’s rights in the business and human rights project” in *Research Handbook on Human Rights and Business*, Surya Deva and David Birchall, eds. (Edward Elgar, 2020).

<sup>13</sup> Committee on the Rights of the Child, general comment No. 14 (2013).

performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (art. 32). States parties should also “protect children from the illicit use of narcotic drugs and psychotropic substances” (art. 33) and “undertake to protect the child from all forms of sexual exploitation and sexual abuse” (art. 34).

17. The Convention affirms that “both parents have common responsibilities for the upbringing and development of the child” (art. 18 (1)) and recognizes the special needs of certain children, such as children with disabilities (art. 23) and children in States in which ethnic, religious or linguistic minorities or persons of Indigenous origin exist (art. 30). The Convention acknowledges that a child who “is capable of forming his or her own views” has “the right to express those views freely in all matters affecting” him or her (art. 12). Children also have “the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds” (art. 13) and the rights “to freedom of association and to freedom of peaceful assembly” (art. 15). These rights are especially relevant in the context of children’s participation in decision-making processes concerning the right to development.

18. In 2000, the General Assembly adopted two Optional Protocols to that Convention, obligating States to take action to prevent children from partaking in hostilities during armed conflict and to end the sale, sexual exploitation and abuse of children. In 2014, it adopted a third Optional Protocol, allowing children to bring complaints directly to the Committee on the Rights of the Child.

19. The Committee on the Rights of the Child has, to date, issued 26 general comments to elaborate on the rights of children and the corresponding obligations of States parties and other actors.<sup>14</sup> The Committee has, for example, provided guidance to States to address the adverse effects of environmental degradation and climate change on the enjoyment of children’s rights (general comment No. 26 (2023)), safeguard the rights of children in the digital environment (general comment No. 25 (2021)), develop comprehensive, long-term national strategies on children in street situations (general comment No. 21 (2017)), ensure that public budgets contribute to the realization of all the rights of children (general comment No. 19 (2016)), manage the adverse impacts of the business sector on children’s rights (general comment No. 16 (2013)), realize the right of children to be heard in all matters of concern to them (general comment No. 12 (2009)), protect the rights of children with disabilities (general comment No. 9 (2006)) and underscore the aims of education (general comment No. 1 (2001)).

#### **D. International labour standards**

20. A range of standards developed by the International Labour Organization (ILO) have a direct bearing on the realization of the human rights of children. Child labour, for example, hinders children’s development, potentially leading to lifelong physical or psychological damage and limiting their prospects for upward social mobility.<sup>15</sup> This shows the relevance of the Minimum Age Convention, 1973 (No. 138), which sets the general minimum age for work at 15 years (13 years for light work) and the minimum age for hazardous work at 18 years (16 years under certain strict conditions).<sup>16</sup> Moreover, ILO has also adopted the Worst Forms of Child Labour Convention, 1999 (No. 182). It requires States to eliminate the worst forms of child labour, including all forms of slavery or practices similar to slavery, child prostitution and pornography, using children for illicit activities, in particular for the production and trafficking of drugs, and work which is likely to harm the health, safety or morals of children.

21. Considering that millions of children are still trapped in forced labour, the Abolition of Forced Labour Convention, 1957 (No. 105) is also pertinent to protecting children’s rights.

<sup>14</sup> See <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>.

<sup>15</sup> See [https://international-partnerships.ec.europa.eu/news-and-events/stories/child-labour-has-profound-impact-health-and-wellbeing-children\\_en](https://international-partnerships.ec.europa.eu/news-and-events/stories/child-labour-has-profound-impact-health-and-wellbeing-children_en).

<sup>16</sup> Where the economy and educational facilities are insufficiently developed, the Convention offers the possibility of initially setting the general minimum age at 14 years (12 years for light work).

There are other ILO conventions that are relevant to safeguarding children's rights, such as the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77).

## **E. Children's rights and business principles**

22. Businesses are especially critical to realize the human rights of children due to their all-pervasive role in society. The Children's Rights and Business Principles, developed in 2012, provide guidance to businesses on steps that they can take in the workplace, the marketplace and the community to respect and support children's rights.<sup>17</sup> The Principles adopt a holistic approach to the rights of children because their rights cannot be protected in isolation. Decent work and family-friendly policies, for example, have a direct correlation with the protection of children's rights. Principle 3 therefore provides that businesses should "provide decent work for young workers, parents and caregivers". Moreover, businesses should "ensure that products and services are safe, and seek to support children's rights through them" (principle 5), "use marketing and advertising that respect and support children's rights" (principle 6) and "support children's rights in relation to the environment and to land acquisition" (principle 7).

23. By implementing these 10 principles, businesses will make a significant contribution to realizing all four facets of children's right to development (economic, social, cultural and political development).<sup>18</sup> They may do so, for example, by offering skills development opportunities for young workers who are over the minimum age for employment, paying a living wage to parents and caregivers, making suitable arrangements for pregnant and breastfeeding women, not promoting the consumption of unhealthy food and drinks and not creating addictive or violent video games.

## **III. Right to development of children**

24. Most of the normative standards noted above deal with the protection of children's human rights or focus on child development. They rarely engage specifically with the right to development of children under international human rights law. The Special Rapporteur believes that this gap should be addressed by States and other actors by applying a right to development lens to realize fully all human rights of children.

### **A. Declaration on the Right to Development**

25. The Declaration on the Right to Development does not expressly mention children. However, there is no doubt that the reference to the right to development in relation to "every human person and all peoples" includes children and that they "are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (art. 1).

26. When applied in the context of children, several provisions of the Declaration provide a powerful normative foundation to protect their rights. Article 2 (3) provides that: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." In relation to children, that provision should require States to formulate national development policies ensuring that children are not left behind and that there is a fair distribution of the accumulated economic growth.

27. Another provision of the Declaration is that "States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development" (art. 3 (3)),

<sup>17</sup> See <https://www.unicef.org/documents/childrens-rights-and-business-principles>. See also Committee on the Rights of the Child, general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.

<sup>18</sup> A/78/160, para. 36.



which could become a potent basis to require developed countries to provide financial, technical and other assistance to realize the right to development of children in developing countries.<sup>19</sup> Similarly, the provisions that States should show “full respect for the principles of international law concerning friendly relations” (art. 3 (2)), “take resolute steps to eliminate ... threats of war” (art. 5) and “promote the establishment, maintenance and strengthening of international peace and security” (art. 7) will be critical for safeguarding children’s rights because they suffer disproportionately in times of conflict. Moreover, article 5 of the Declaration requires States to “take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings” – which will include children – “affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation [and] aggression” (art. 5).

28. Article 8 of the Declaration, which provides that States “shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income”, will also be instructive for Governments to create equal opportunities for children to access basic needs for a dignified life.

## B. Value addition of the right to development

29. Using a right to development lens to interpret the rights of children adds multiple values. First, the right to development entitles every human person and all peoples to not merely enjoy but also participate in and contribute to economic, social, cultural and political development. Since the process of development under the right to development is as important as the outcome of development,<sup>20</sup> children can participate in the process of conceiving and implementing various development-related policies, programmes and projects. Children have agency not merely over their own development but also over the development of other human beings.<sup>21</sup>

30. Second, intergenerational equity is one of the overarching principles of the right to development. This principle is useful in the context of equity not only between children and adults of present generations but also between children and future generations. This principle could be relevant in a variety of contexts such as managing future effects of climate change and disruptive technologies or support needed to provide a dignified life to older persons and the ageing population.

31. Third, fair distribution is another overarching principle of the right to development.<sup>22</sup> In relation to children’s rights, this could be harnessed to demand that government policies at the national, regional and international levels do not result in the concentration of wealth among a small group of people and in turn trap millions of children in cycles of poverty. This principle is also relevant in the context of access to nutritious food, water and sanitation, higher education, housing, health facilities, public transport, the Internet and new technologies (including learning tools).

32. Fourth, the right to development also has a collective component. This means that children can collectively raise issues as a group about policies or decisions affecting their right to development.<sup>23</sup> To illustrate, this collective dimension will be relevant in exercising the right to a clean, healthy and sustainable environment, assessing the impact of a major

<sup>19</sup> See also art. 4 of the Declaration and general comment No. 5 (2003) of the Committee on the Rights of the Child, paras. 60–64.

<sup>20</sup> Peleg, *The Child’s Right*, p. 155.

<sup>21</sup> Joachim von Braun, “Children as agents of change for sustainable development”, in *Children and Sustainable Development: Ecological Education in a Globalized World*, Antonio M. Battro and others, eds. (Springer, 2017).

<sup>22</sup> A/HRC/54/27, para. 14.

<sup>23</sup> This view is in line with the interpretation of the Committee on the Rights of the Child in its general comment No. 12 (2009).

development project on several villages or cities, and asserting the right to self-determination in relation to preserving Indigenous culture, land, language or traditions.

### C. Sustainable Development Goals

33. The 2030 Agenda for Sustainable Development provides an important pathway to realizing the right to development,<sup>24</sup> including of children.<sup>25</sup> In the 2030 Agenda, the members of the General Assembly envisaged “a world which invests in its children and in which every child grows up free from violence and exploitation” (para. 8). They committed to providing “inclusive and equitable quality education at all levels” (para. 25), to reducing child mortality (para. 26) and “to end child labour in all its forms” (para. 27). It also recognized children as “critical agents of change” (para. 51).

34. Several targets place specific focus on children: reduce at least by half the proportion of children of all ages living in poverty (target 1.2), end all forms of malnutrition among children (target 2.2), end preventable deaths of newborns and children under 5 years of age (target 3.2), ensure that all girls and boys have access to quality early childhood development, care and pre-primary education (target 4.2), end all forms of discrimination against all girls everywhere (target 5.1), eliminate all harmful practices, such as child, early and forced marriage (target 5.3), achieve access to adequate and equitable sanitation and hygiene for girls (target 6.2), secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers (target 8.7), provide access to safe, affordable, accessible and sustainable transport systems for all, with special attention to the needs of children (target 11.2), and end abuse, exploitation, trafficking and all forms of violence against and torture of children (target 16.2).

35. Achieving the Sustainable Development Goals would go a long way to securing the right to development of children. However, currently, the progress made casts a gloomy prospect. About 200 million children below the age of 5 are still affected by undernutrition and an estimated 37 million children under the age of 5 were overweight in 2022. Over 600 million children are at a heightened risk of vector-borne diseases. More than 460 million children are living in or fleeing from conflict, and at least one billion children suffer the consequences of violence every year.<sup>26</sup> In other words, despite commitments on paper, “the current neglect of the world’s children is startling and shocking”, as hundreds of millions of children “are being left behind, in poverty and destitution, because of a lack of access to education, nutrition, health care and job skills”.<sup>27</sup>

## IV. Five action pillars to overcome ongoing challenges

36. Despite all the standards and increasing sensitivities about the importance of the rights of children, one in three children worldwide lack access to basic services such as health care, nutrition, education and social protection.<sup>28</sup> Children continue to face numerous challenges in all world regions to realize their right to development: lack of access to nutrition, education and care, child labour, human trafficking, child marriage, harmful advertising practices, domestic violence, sexual violence, climate change, injuries and deaths during conflicts, harms linked to new technologies and intimidation for defending human rights. Children are

<sup>24</sup> General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, preamble and paras. 10 and 35.

<sup>25</sup> Karin Arts, “The right to development, the 2030 Agenda for Sustainable Development and children”, available at <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/chapter-8-karin-arts-rtd-sdgs-and-children.pdf>.

<sup>26</sup> E/HLPF/2024/4, paras. 18, 26 and 37.

<sup>27</sup> Jeffrey D. Sachs, Guillaume Lafortune and Grayson Fuller, *Sustainable Development Report 2024: The SDGs and the UN Summit of the Future* (Dublin University Press, 2024), p. 8.

<sup>28</sup> United Nations Children’s Fund (UNICEF), “Progress on children’s well-being: centring child rights in the 2030 Agenda – for every child, a sustainable future” (2023), p. 12.

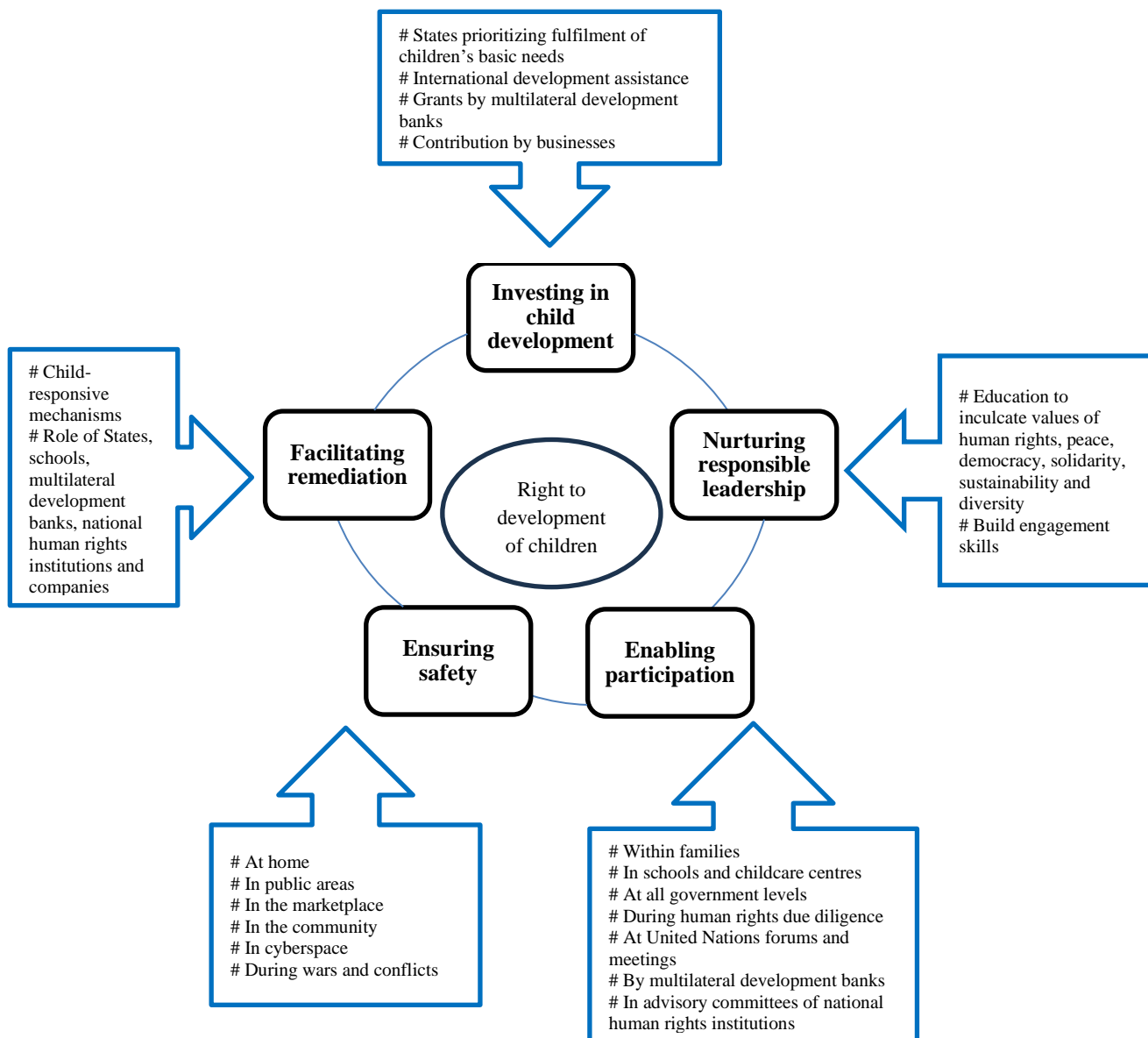


also disproportionately affected by development projects conceived and executed without their participation.<sup>29</sup>

37. Moreover, like adults, children are not a homogenous group. Children face different or disproportionate impacts of various policies, programmes and projects concerning development or phenomena such as migration, environmental pollution, climate change and conflicts. A case in point are children trapped in poverty or modern slavery, those who are orphaned, those who suffer discrimination because of their gender identity, those who belong to ethnic minorities or other marginalized groups such as Dalits, Roma, Haratine, burakumin and Quilombolas,<sup>30</sup> those living in rural areas, those who have been left behind by parents migrating for employment, those who are members of Indigenous communities, those experiencing statelessness and those living with a disability.

38. To realize the four facets of the right to development (economic, social, cultural and political development), the Special Rapporteur proposes below five action pillars that States, United Nations entities, international financial institutions, multilateral development banks, national human rights institutions, businesses and other actors should prioritize. As illustrated in figure 1, these action pillars capture a range of situations and facets of development and impose obligations on multiple actors.

Figure: Five action pillars to realize the right to development of children



<sup>29</sup> Submissions from Law and Society Trust of Sri Lanka and One Future Collective.

<sup>30</sup> Submission from Global Forum of Communities Discriminated on Work and Descent.

## A. Investing in child development

39. Children in their journey towards adulthood need support at various levels to live a dignified life and develop their capabilities fully. This includes access to nutritious food, water and sanitation, adequate housing, education and vocational training, health care, safe technologies, sports facilities, and safety at home and in public spaces. Ensuring such access – which will assist in realizing children’s right to development – requires investment of resources.

40. In addition to parents and caregivers playing their part in allocating resources to fulfil children’s needs, States must allocate the maximum possible resources in their annual budgets towards child development. Developed countries and other development partners should increase and offer targeted development aid to developing countries as part of their duty of international cooperation. Moreover, considering that developing countries are facing unprecedented debt crises and limited fiscal space amidst the post-coronavirus disease (COVID-19) recovery,<sup>31</sup> multilateral development banks should offer grants and increase long-term, low-interest financing for child development because austerity measures tend to disproportionately affect services utilized by children for their development.

41. Businesses can invest in child development by ensuring they pay a living wage throughout their global operations,<sup>32</sup> creating a family-friendly work environment<sup>33</sup> and contributing resources to organizations working on child development issues.

## B. Nurturing responsible leadership

42. Today’s leaders in both the public and the private sectors are failing everyone. This explains multiple ongoing crises. Children should be nurtured to do better in the future as responsible leaders. They should uphold and promote human rights beyond borders, respect diversity of views and cultures, rise above populism and polarization, fight against all forms of discrimination, racism and xenophobia, work for peace, defend civic space, have empathy and solidarity towards fellow citizens, and promote inclusive development within planetary boundaries.

43. Education – not only in the formal settings of schools and universities, but also at home and through religious institutions – plays a crucial role in building the necessary character for responsible leadership. Article 26 of the Universal Declaration of Human Rights acknowledges the role of education not only in “the full development of the human personality”, but also in “the strengthening of respect for human rights and fundamental freedoms” and promoting “understanding, tolerance and friendship among all nations, racial or religious groups”. Article 13 (1) of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child reinforce this goal.<sup>34</sup> Article 29 underscores that the education of children should, among other aims, develop respect for the natural environment and prepare them for responsible life in a free society, “in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of Indigenous origin”.

44. Value-driven education can facilitate the nurturing of children into responsible future leaders who are both able and willing to collaborate and innovate to overcome ongoing challenges. Schools should also nurture children’s soft skills to engage government bodies

<sup>31</sup> Global Crisis Response Group on Food, Energy and Finance, “A world of debt: a growing burden to global prosperity” (July 2023).

<sup>32</sup> The 2024 Social Benchmark reveals that only 4 per cent of companies commit to paying living wages. See <https://www.worldbenchmarkingalliance.org/publication/social/findings/only-4-of-companies-commit-to-living-wages-missing-a-key-opportunity-to-reduce-inequalities/>.

<sup>33</sup> Submission from UNICEF.

<sup>34</sup> In its general comment No. 1 (2001), the Committee on the Rights of the Child noted that “education should be directed to a wide range of values” (para. 4).

and international organizations.<sup>35</sup> This will ensure that children become agents for peace, rather than merely victims of conflicts.

### C. Enabling participation

45. The right to participation in decision-making – which brings several governance benefits<sup>36</sup> – is a key element of the right to development under the Declaration on the Right to Development.<sup>37</sup> The importance of participation in the context of development or human rights generally is also recognized in several other regional and international human rights instruments.<sup>38</sup>

46. Children have agency and are entitled to participate in decisions affecting them, as affirmed by the Convention on the Rights of the Child.<sup>39</sup> Based on the Declaration on the Right to Development, the Special Rapporteur asserts that children’s right to participation extends also to matters or decisions that do not affect them directly. All decision makers should therefore create enabling conditions to facilitate active, free and meaningful participation of children in diverse settings<sup>40</sup> – from families to schools and universities, city councils, businesses, civil society organizations, religious institutions, State agencies, regional institutions and international organizations. As noted above, such participation should be responsive to intersectional conditions involving children.<sup>41</sup> For example, the participation process for Indigenous children should be culturally sensitive and based on free, prior and informed consent.<sup>42</sup>

47. Governments should facilitate the participation of children in preparing annual budgets because the allocation of resources has a direct correlation with the realization of their rights.<sup>43</sup> Children should also be involved in decisions concerning ocean governance to safeguard their rights.<sup>44</sup>

48. There are several examples of States taking specific steps to ensure the participation of children. In Colombia, regional dialogues – which included the participation of children and adolescents – were held at the end of 2022 to formulate the National Development Plan 2022–2026.<sup>45</sup> In Ecuador, the National Council for Intergenerational Equality set up advisory councils for various generational groups, including children and adolescents.<sup>46</sup> Under its National Strategy and Action Plan on the Rights of the Child 2022–2026, Luxembourg has committed to strengthening the participation of children and young people, including by utilizing various discussion forums organized by municipalities, schools and other organizations to enable children to give their opinion on decisions that concern them.<sup>47</sup> Mozambique employs the Youth Parliament as a forum to integrate children into the debate

<sup>35</sup> Submission from Tamara Hovorun.

<sup>36</sup> Nicholas McMurry, *Participation and Democratic Innovation under International Human Rights Law* (Routledge, 2023), pp. 53 and 54.

<sup>37</sup> A/HRC/54/27, paras. 17, 28, 44, 61, 66, 67 and 80.

<sup>38</sup> McMurry, *Participation and Democratic Innovation*, pp. 55–61.

<sup>39</sup> Committee on the Rights of the Child, general comment No. 12 (2009); and McMurry, *Participation and Democratic Innovation*, pp. 80–84.

<sup>40</sup> In its general comment No. 12 (2009), the Committee on the Rights of the Child recommended that processes for participation should be transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk and accountable (para. 134). See also UNICEF, *Engaged and Heard! Guidelines on Adolescent Participation and Civic Engagement* (2020).

<sup>41</sup> For example, the Roma integration strategy in Romania has enhanced the rate of kindergarten enrolment among Roma children in rural areas, according to the submission from Broken Chalk. See also submission from Ruptura.

<sup>42</sup> Holly Doel-Mackaway, *Indigenous Children’s Right to Participate in Law and Policy Development* (Routledge, 2022).

<sup>43</sup> Committee on the Rights of the Child, general comment No. 19 (2016).

<sup>44</sup> Submission from One Ocean Hub.

<sup>45</sup> Submission from Colombia (in Spanish).

<sup>46</sup> Submission from Ecuador (in Spanish).

<sup>47</sup> Submission from Luxembourg (in French).

on the life of the nation,<sup>48</sup> and in Italy, the National Authority for Children and Adolescents has set up the Girls' and Boys' Council, a body comprising young people aged between 13 and 17 years, to promote children's right to participate.<sup>49</sup>

49. Access to information is essential for effective participation.<sup>50</sup> Therefore, to enable children to participate meaningfully, States and other actors should ensure that relevant information is available to all children in a child-friendly and accessible way. Mexico instituted an innovative practice by organizing consultations with children aged between 3 and 5 years old using graphic expressions of their needs, the findings from which were then integrated into decisions.<sup>51</sup>

50. Over the years, children have made significant contributions to tackling environmental pollution, climate change and other human rights challenges. However, child human rights defenders – including climate activists – also face significant challenges, risks and repression in playing their part in defending human rights.<sup>52</sup> Owing to patriarchal norms and stereotypes, girl human rights defenders face additional gender-based discrimination, harassment and violence. In this context, it is commendable that the Brazilian Committee of Human Rights Defenders broadened the concept of human rights defenders to include individuals, groups, organizations, peoples, social movements and other collective groups that are seeking to win new rights.<sup>53</sup>

51. National human rights institutions operating in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) play a vital role in promoting and protecting children's rights.<sup>54</sup> They can do more to facilitate children's participation in decision-making processes. Several national human rights institutions have multi-stakeholder advisory bodies, which rarely include children. National human rights institutions should establish advisory bodies comprising children and work with the United Nations Children's Fund (UNICEF) and civil society organizations with expertise on children's rights to create safe spaces for children to provide input on relevant human rights issues.

## D. Ensuring safety

52. Children continue to face various forms of violence at home and in schools, cyberspace, public areas, marketplaces and communities.<sup>55</sup> The risk of violence is exacerbated during conflicts or other crises, such as the COVID-19 pandemic, while experiencing forced displacement and during cost of living crises.

53. While digital technologies offer significant opportunities for children to access information and facilitate learning, they also present risks such as exposure to harmful content, misinformation and cyberaggression, which may lead to anxiety, depression and unhealthy lifestyles.<sup>56</sup> According to a 2014 meta-analysis of literature on cyber and traditional bullying, some 15 per cent of children reported cyberbullying, 11.5 per cent received unwanted online sexual solicitation, 8 per cent had a self-made sexual image forwarded without consent, up to 25 per cent of children had seen online content relating to physical self-harm, and up to 20 per cent had encountered content on suicide.<sup>57</sup> Moreover, digital games can result in addiction, which can have a negative impact on children's physical activities and overall development. Digital games may also expose children to inappropriate

<sup>48</sup> Submission from Mozambique.

<sup>49</sup> Submission from Italy.

<sup>50</sup> [A/HRC/53/25](#).

<sup>51</sup> Submission from Mexico (annex 1) (in Spanish).

<sup>52</sup> [A/HRC/55/50](#).

<sup>53</sup> Submission from Brazil.

<sup>54</sup> Committee on the Rights of the Child, general comment No. 2 (2002).

<sup>55</sup> UNICEF, *A Familiar Face: Violence in the lives of children and adolescents* (2017).

<sup>56</sup> Committee on the Rights of the Child, general comment No. 25 (2021), paras. 40, 54, 93, 96 and 98.

<sup>57</sup> Office of the Special Representative of the Secretary-General on Violence against Children, "A safer digital environment for children" (2023), p. 5.

content such as sexually explicit material, violence and gambling-like features.<sup>58</sup> Therefore, “for games to support the well-being of children, game designers must take the needs of children into account and design games that support those needs”.<sup>59</sup>

54. Conflicts pose another major challenge to children’s safety, as they exacerbate existing vulnerabilities and create new ones, particularly for displaced children, who often lack access to basic services such as education, health care and social protection. Conflicts result in physical injuries and loss of lives. For example, in Gaza, more than 14,000 children have reportedly been killed since 7 October 2023.<sup>60</sup> In addition, conflicts and the resulting displacement cause psychological trauma for children. In fact, if a small percentage of global military expenditure – estimated to be over \$2.4 trillion in 2023<sup>61</sup> – is allocated for child development, this will go a long way to contributing to the realization of the right to development of children in all world regions.

55. Ensuring safe space for children should be everyone’s business – from parents and caregivers to schools and universities, governments, United Nations entities, development partners, businesses, trade unions and civil society organizations. For example, States must draw a red line for businesses that are profiting from child labour, child sex trafficking, conflicts, tobacco products, unhealthy sugary drinks and addictive digital games at the cost of children’s human rights.

## E. Facilitating remediation

56. Rights without effective remedies tend to lose their normative force. While preventing adverse impacts on children’s rights is ideal, prevention is never foolproof. It is concerning that “while millions of children have their rights violated every day, only a fraction are able to come forward and seek redress, and even fewer obtain an effective remedy”.<sup>62</sup> This may be due to a lack of awareness of their rights, various barriers to accessing remedies or an absence of child-friendly remedial institutions.

57. Children should be able to seek effective remediation for violations of their rights through child-responsive judicial and non-judicial mechanisms. The Committee on the Rights of the Child has stressed that children should “have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded”.<sup>63</sup> This principle is not limited to decisions relating to environmental matters.<sup>64</sup> Children’s complaints, for instance, could be dealt with at libraries, schools, community centres or other child-friendly places.<sup>65</sup> National human rights institutions should also create child-friendly processes to handle complaints concerning violation of children’s rights<sup>66</sup> and intervene in cases before courts involving the rights of children. Similarly, multilateral development banks should establish child-responsive remedial mechanisms to handle complaints linked to development projects funded by them and that have an impact on children’s rights.<sup>67</sup>

<sup>58</sup> Committee on the Rights of the Child, general comment No. 25 (2021), paras. 96, 97 and 110.

<sup>59</sup> See <https://www.unicef.org/innocenti/press-releases/video-games-can-have-positive-impact-children-if-they-are-designed-right-says-new>.

<sup>60</sup> See <https://www.aljazeera.com/news/2024/6/24/over-20000-children-buried-trapped-detained-lost-amid-gaza-war-report>.

<sup>61</sup> See <https://www.sipri.org/publications/2024/sipri-fact-sheets/trends-world-military-expenditure-2023>.

<sup>62</sup> United Nations, “Guidance note of the Secretary-General: child rights mainstreaming” (July 2023), p. 5.

<sup>63</sup> Committee on the Rights of the Child, general comment No. 26 (2023), para. 27.

<sup>64</sup> The Committee on the Rights of the Child is currently developing a general comment on children’s rights to access to justice and effective remedies. See <https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-27-childrens-rights-access>.

<sup>65</sup> Submission from Esther Erlings.

<sup>66</sup> See [https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI\\_ComplaintMechanisms.pdf](https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI_ComplaintMechanisms.pdf).

<sup>67</sup> Submission from Accountability Counsel.

## V. Human rights of future generations: evolving standards

58. There are diverse views among scholars on whether future generations should be treated as rights holders under international human rights law.<sup>68</sup> Most international standards do not explicitly elaborate on human rights in relation to future generations. At the same time, they do not expressly limit the protection of human rights to present generations. Due to a better recognition of planetary limits to economic development, States and policymakers for decades have been underscoring the importance of safeguarding the interests and needs of future generations.<sup>69</sup> The Declaration of the United Nations Conference on the Human Environment, of 1972, acknowledges that humanity “bears a solemn responsibility to protect and improve the environment for present and future generations” (principle 1). The famous definition of sustainable development – a development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”<sup>70</sup> – also illustrates the focus on future generations. One can see a continuation of this approach to safeguarding the needs of future generations in the 2030 Agenda.<sup>71</sup>

59. In addition to the concept of sustainable development, the principle of intergenerational equity has provided a basis to assert the stake of future generations in present-time decisions, as reflected in various standards clarifying or elaborating on the human rights of future generations. There is also a provision in the draft convention on the right to development requiring States parties to ensure that their decisions and actions do not compromise the ability of present and future generations to realize their right to development (art. 23 (b)).<sup>72</sup>

### A. Rio Declaration and Vienna Declaration

60. Principle 3 of the Rio Declaration makes it clear that “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”. This goal is reiterated in paragraph 11 of the Vienna Declaration.

61. In Agenda 21, adopted by the United Nations Conference on Environment and Development at the same time as the Rio Declaration, the Conference recommended that States adopt a national strategy on sustainable development, the goals of which should be “to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations”. The strategy “should be developed through the widest possible participation” (para. 8.7). The Conference also encouraged countries “to incorporate environmental costs in the decisions of producers and consumers” and “to reverse the tendency to treat the environment as a ‘free good’ and to pass these costs on ... to future generations” (para. 8.31).

62. It is thus clear that both the rights and the needs of future generations have been on the minds of the drafters of international human rights standards for decades. Human rights have the unique virtue of being dynamic to adapt to new developments, situations and circumstances. In fact, the Vienna Declaration contemplates such an adaptation: “The World Conference on Human Rights recognizes the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights” (part II, para. 17).

<sup>68</sup> See, e.g., Stephen Humphreys, “Against future generations”, *European Journal of International Law*, vol. 33, No. 4 (November 2023); and the “EJIL: Debate!” in *European Journal of International Law*, vol. 34, No. 3 (August 2023), pp. 651–696.

<sup>69</sup> Several declarations and conventions, as well as national constitutions, make a reference to future generations (A/68/322, paras. 33–38).

<sup>70</sup> World Commission on Environment and Development, *Our Common Future* (1987), para. 27.

<sup>71</sup> General Assembly resolution 70/1, preamble and paras. 18 and 53.

<sup>72</sup> A/HRC/WG.2/23/2, annex.



## **B. Declaration on the Responsibilities of the Present Generations Towards Future Generations**

63. In 1997, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Declaration on the Responsibilities of the Present Generations Towards Future Generations, which elaborates on various dimensions of the responsibilities of the present generation towards the needs and interests of future generations. Article 1 of the Declaration provides that “the present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded”. To achieve this intergenerational goal, “the present generations have the responsibility to bequeath to future generations an Earth which will not one day be irreversibly damaged by human activity” (art. 4). The present generations “should ensure that future generations are not exposed to pollution which may endanger their health or their existence itself” and “should preserve for future generations natural resources necessary for sustaining human life and for its development” (art. 5).

## **C. Maastricht Principles on the Human Rights of Future Generations**

64. The Maastricht Principles provide a detailed statement of the human rights of future generations. They find the legal basis of the human rights of future generations in: (a) international law not limiting human rights to present generations; (b) international law recognizing obligations and responsibilities towards future generations; and (c) other general principles of law, norms, customs and values recognizing obligations and responsibilities towards future generations (principle 2).

65. In addition to elaborating on intragenerational and intergenerational human rights obligations (principle 7), the Maastricht Principles outline the principle of international solidarity (principle 10). “Each generation must act as trustees of the Earth for future generations” and “this trusteeship must be carried out in harmony with all living beings and Nature” (principle 8). In “upholding the rights of future generations, States and non-state actors should draw inspiration and guidance from Indigenous Peoples’ knowledges, cultures and traditional practices” (principle 11).

66. The Maastricht Principles formulate the obligations of States to respect, protect and fulfil the human rights of future generations (principles 13–24) as well as the obligations, duties and responsibilities of other non-State actors, including business enterprises (principles 25–27). Importantly, they also include provisions for accountability and remedies for violations of the human rights of future generations (principles 28–36).

## **D. Pact for the Future and the Declaration on Future Generations**

67. States are currently negotiating a Pact for the Future for adoption at the Summit of the Future, to be held in September 2024. The aim is to annex the Declaration on Future Generations to the text of the Pact.<sup>73</sup> In the second revision, the Pact contains a commitment on the part of the Heads of State and Government at the Summit to “conserve, restore and sustainably use our planet’s ecosystems and natural resources to support the health and well-being of present and future generations” (para. 26) and to ensure that decision-making today “takes greater account of the needs and interests of the generations to come” (para. 59).

68. In the second revision of the Declaration on Future Generations, the Heads of State and Government recognize that the “decisions, actions and inactions of present generations have an intergenerational multiplier effect” and therefore resolve “to ensure that present generations act with responsibility towards safeguarding the needs and interests of future generations” (para. 6).<sup>74</sup>

<sup>73</sup> See <https://www.un.org/en/summit-of-the-future/declaration-on-future-generations>.

<sup>74</sup> See <https://www.un.org/sites/un2.un.org/files/soft-declaration-on-future-generations-rev2.pdf>.

69. In the draft Declaration, the Heads of State and Government commit to adhering to a set of guiding principles to “leave a better future for generations to come” and to fulfil their “commitment to meet the demands of the present in a way that safeguards the needs and interests of future generations”. These principles include maintaining international peace and security, promoting and protecting all human rights, achieving general equality, ensuring that future generations have the opportunity to thrive in prosperity and achieve sustainable development, ensuring a clean, healthy and sustainable environment, and building an effective multilateral system to enhance international solidarity and cooperation (paras. 12–21).

70. The draft Declaration also outlines several actions on the part of States. They include leveraging science, data, statistics and strategic foresight to ensure long-term thinking and planning; promoting the use of forward-looking impact assessments; taking a whole-of-government approach to coordination on the development, assessment, implementation and evaluation of policies that safeguard the needs and interests of future generations; and fostering a future-oriented organizational culture that is mainstreamed across the United Nations system (paras. 34–41).

## VI. Taking seriously the human rights of future generations

71. Taking seriously the human rights of future generations – including the right to development – will require decision makers at the local, national, regional and international levels to identify and prevent as much as possible any adverse impacts of present-time decisions on the rights of future generations or on their ability to realize these rights. A failure to do so will “narrow the choices of future generations”<sup>75</sup> and in turn undermine their ability to realize their human rights. For example, dumping toxic waste and dangerous substances, the excessive use of fertilizers and pesticides in agriculture, creating new technologies with racial or gender biases and the loss of biodiversity will undermine various human rights of future generations. The same could be said about prolonged wars and armed conflicts, excessive exploitation of natural resources, the extinction of certain species or the accumulation of unsustainable public debts. The use and testing of nuclear weapons similarly pose a serious threat to the human rights of future generations.<sup>76</sup>

72. If humanity continued with the current pursuit of economic development and accumulative growth, little would be left for future generations on this planet to realize their human rights, including the four facets of the right to development: economic, social, cultural and political development. Article 7 of the Declaration on the Responsibilities of the Present Generations Towards Future Generations provides that “the present generations have the responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heritage to future generations”.

73. The collective dimension of the right to development will be especially relevant in the context of future generations, because many decisions taken by present generations concerning economic growth, infrastructure, city planning, the environment, trade, immigration and technologies will have an impact on future generations as a group. The Special Rapporteur recommends below four policy shifts to build an ecosystem supportive of the right to development and other human rights of future generations.

### A. Transitioning to the language of the “rights” of all “organisms”

74. With the exception of the Maastricht Principles, the policy commitments and standards referenced in the present report use the language of “needs” and “interests” in relation to future generations. Moreover, most existing standards tend to limit the concept of future generations to human beings. It will be desirable in the future to move away from both

<sup>75</sup> Agenda 21, para. 33.4.

<sup>76</sup> General Assembly resolution 78/240 and Human Rights Council resolution 51/35.

these narrow positions: the language of rights should be used for future generations and the concept of future generations should include all organisms.

75. First, the terminology of rights confers a certain weight on claims made by the holders of such rights. It also imposes corresponding obligations on the relevant duty bearers as well as other actors interpreting rights (such as courts) or implementing rights (such as United Nations entities and development partners). Some stakeholders may be sceptical about using the language of rights for future generations because they do not yet exist and cannot exercise these rights. Suffice it to say that having rights is different from exercising and enforcing these rights.

76. Second, the language of rights would be helpful in situations where the rights of present generations and future generations come into conflict. In such scenarios, it will be critical to have a level playing field between the rights of present generations and the rights of future generations. It would still be necessary to strike a fair balance between competing rights. However, doing so should be possible by applying existing principles of human rights law such as proportionality and reasonableness.<sup>77</sup>

77. Third, the concept of future generations should be interpreted in a broad sense to encompass not only human beings but also plants, animals and fungi. This is necessary because of the interdependence of humans with other organisms and nature generally. Adopting such an ecological approach will also be in line with the model of “planet-centred participatory development” proposed by the Special Rapporteur.<sup>78</sup>

## B. Embedding intergenerational equity in decisions

78. The principle of intergenerational equity embodies “a concept of fairness among generations in the use and conservation of the environment and its natural resources”.<sup>79</sup> While this principle is often invoked in relation to environmental justice or sustainable development, the concept of equity has broader dimensions and can be applied to all decisions taken by present generations with impacts for future generations.

79. Decision makers – including governments and businesses – often plan for the future. Such planning is generally based on forecasted numbers and abstract future needs, rather than the human rights of future generations. To act in line with the principle of intergenerational equity, that must change. Article 5 (4) of the Declaration on the Responsibilities of the Present Generations Towards Future Generations provides that “the present generations should take into account possible consequences for future generations of major projects before these are carried out”. The foreseeability and severity of harm and the probability of its occurrence and irreversibility should be the key factors to consider.

80. The Special Rapporteur believes that social and environmental impact assessment processes should explicitly assess the impact of proposed projects on future generations and include specific steps to prevent and mitigate such adverse impacts. The same applies to human rights due diligence conducted by businesses, investors and multilateral development banks, in line with the Guiding Principles on Business and Human Rights. To illustrate, any project to approve deep-sea mining or hydropower must consider adverse impacts also on the human rights of future generations. Similarly, regulation of facial recognition technologies by Governments should include consideration of the impacts on the rights of future generations.<sup>80</sup> Present generations should factor in how decisions concerning urban planning, biodiversity, automation, energy, infrastructure, trade, weapons, development finance and public debt will affect the rights of future generations.

<sup>77</sup> For example, “small gains for current generations should not be pursued when the actions are strongly likely to incur large losses for future generations” (A/68/322, para. 17).

<sup>78</sup> A/HRC/54/27, paras. 63–68.

<sup>79</sup> Weiss, “Intergenerational equity”, para. 1.

<sup>80</sup> Submission from Rita Matulionyte. See also Rita Matulionyte and Monika Zalnieriute, eds., *The Cambridge Handbook of Facial Recognition in the Modern State* (Cambridge University Press, 2024).

81. Moreover, any impact assessment or due diligence process must integrate the precautionary principle in assessing risks to the rights of future generations, because where “there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.<sup>81</sup> The International Tribunal for the Law of the Sea, in an advisory opinion, noted that “States must apply the precautionary approach in their exercise of due diligence to prevent, reduce and control marine pollution from anthropogenic [greenhouse gas] emissions”.<sup>82</sup>

### C. Ensuring representation for meaningful participation

82. Active, free and meaningful participation is a critical element of the right to development. However, future generations do not yet exist: “future generations do not vote; they have no political or financial power; they cannot challenge our decisions”.<sup>83</sup> Yet, ways should be found to ensure their representation in decisions made by present generations, as nothing about future generations should be decided without them. In Agenda 21, the United Nations Conference on Environment and Development took note of the proposal to “appoint a guardian for future generations” (para. 38.45), while the Maastricht Principles recommend that “States must create accessible and inclusive bodies and institutions at all levels to ensure that the representatives of future generations can effectively participate in decision-making that affects their human rights” (principle 22 (d)). For now, children have been used as proxies in some cases to litigate for the rights of future generations.<sup>84</sup>

83. The Special Rapporteur believes that States and other actors such as United Nations entities, international financial institutions, multilateral development banks and businesses should create an enabling environment to facilitate the participation of future generations’ representatives. Such participation, which should assist in controlling risks to their rights,<sup>85</sup> should take place at all levels and across the three organs of the government (the executive, the legislature and the judiciary). Several States such as Canada, Finland, Germany, Hungary and New Zealand have already established a variety of institutions to safeguard the rights of future generations.<sup>86</sup> These practices should be mainstreamed and expanded. For example, Governments may appoint an ombudsperson or minister for future generations, while representatives of future generations may be nominated to join legislatures. Similarly, courts should grant organizations acting as guardians or trustees of future generations standing to challenge government policies and decisions or to file amicus briefs on behalf of future generations in suitable cases.

84. The representation of future generations in decision-making mechanisms should be informed by an intersectional approach to capture differential and disproportionate impacts on them, because like present generations, future generations will not be homogeneous. Therefore, the present representatives of future generations should reflect diversity in terms of factors such as age, race, ethnicity, caste, gender, sexual orientation, ability, religion, socioeconomic condition, Indigeneity and migrant status.

### D. Reorienting financial planning and budgeting

85. Every attempt must be made to conserve and use sustainably existing natural resources. Yet, natural resources are finite and it is inevitable that future generations might not have

<sup>81</sup> Jose Felix Pinto-Bazurco, “The precautionary principle”, Still Only One Earth: Lessons from 50 years of UN sustainable development policy briefs (23 October 2020).

<sup>82</sup> International Tribunal for the Law of the Sea, Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, Case No. 31, 21 May 2024, para. 242.

<sup>83</sup> World Commission on Environment and Development, *Our Common Future*, para. 25.

<sup>84</sup> Nolan, “Children and future generations”.

<sup>85</sup> Committee on Economic, Social and Cultural Rights, general comment No. 25 (2020), para. 56.

<sup>86</sup> Organisation for Economic Co-operation and Development, *Governance for Youth, Trust and Intergenerational Justice: Fit for All Generations?* (Paris, 2020), pp. 126–129.

access to some of these resources.<sup>87</sup> Therefore, present decision makers should reorient financial planning and budgeting to build the economic capability for future generations to realize their right to development. Countries may create a “future fund” in which a certain percentage of revenue generated from the exploitation of natural resources could be deposited and then invested responsibly. Such financial resources could then be used by future generations to build resilience and adapt to the new environment. For example, in Norway, the Government Pension Fund Global embodies a plan so that both current and future generations of Norway can benefit from oil wealth.<sup>88</sup> While the establishment of this Fund was not rooted in protecting the human rights of future generations, this model can be adapted to embrace a rights-based approach to sustainable exploitation of natural resources.

86. The Special Rapporteur also recommends that Governments consult trustees or guardians of future generations for making decisions concerning annual budgets, fiscal policies and borrowing of money. There are existing laws or practices that could be mainstreamed to ensure that financial planning and budgeting takes into consideration the rights of future generations. For instance, section 2 (4) of the Australian Charter of Budget Honesty Act 1998 requires the Treasurer “to publicly release and table an intergenerational report at least once every 5 years”. The aim of such an intergenerational report is “to assess the long-term sustainability of current Government policies over the 40 years following the release of the report, including by taking account of the financial implications of demographic change” (sect. 21). The Government of Australia has periodically issued such reports, and in the 2023 report, it acknowledged how “technological and digital transformation” and “climate change and the net zero transformation” will shape the country’s future economic growth and economy.<sup>89</sup> Such an existing process could be leveraged to consider the human rights of future generations and involve their representatives in developing an intergenerational report.

## VII. Conclusions and recommendations

### A. Conclusions

87. **Despite increasing awareness about and evolution of standards on children’s human rights and child development, millions of children in all world regions continue to lack a dignified life and an environment to realize their capabilities. Children continue to face malnutrition, be trapped in poverty, be deprived of access to basic needs, be trafficked for sexual or economic exploitation, experience violence in multiple settings and be excluded from most decision-making processes. COVID-19, conflicts and climate change have exacerbated challenges for children to realize their human rights, including the right to development.**

88. **In the present report, the Special Rapporteur proposes that States and other actors should apply a right to development lens to realize all human rights of children in a holistic way. They should prioritize five action pillars to overcome ongoing challenges in realizing the right to development of children: investing in child development, nurturing responsible leadership, enabling participation, ensuring safety and facilitating remediation.**

89. **While children may be proximate to future generations, they should not be confused or conflated with future generations. Since the future of future generations is partly in the hands of present generations, they should not do anything to undermine the ability of future generations to realize their human rights, including the right to development. The Special Rapporteur recommends four policy shifts to build an**

<sup>87</sup> Depletion and/or degradation of resources for future generations are problems that the principle of intergenerational equity seeks to address. See Edith Brown Weiss, “Intergenerational equity in international law”, *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 81 (1987), pp. 127 and 128.

<sup>88</sup> See <https://www.nbim.no/en/the-fund/about-the-fund/>.

<sup>89</sup> See <https://treasury.gov.au/intergenerational-report>.

ecosystem supportive of the human rights of future generations. First, the language of rights (not of needs or interests) should be used for future generations and the concept of future generations should refer to all organisms – not merely human beings – that will exist on the Earth in the future. Second, the principle of intergenerational equity should be embedded in impact assessment and human rights due diligence processes and the precautionary principle should be followed. Third, all present-time decision makers should create an enabling environment to facilitate the participation of future generations’ representatives in decision-making. Fourth, financial planning and budgeting should be reoriented to build the economic capability for future generations to realize their right to development.

## **B. Recommendations**

90. The Special Rapporteur recommends that States:

(a) Allocate the maximum possible resources to realize the right to development of children – especially those from ethnic minorities or other marginalized groups – and to achieve all the Sustainable Development Goals;

(b) Take effective measures to eliminate child labour, forced labour, child marriage, human trafficking and domestic and/or sexual violence involving children;

(c) Strengthen institutions to prevent armed conflicts and wars and to hold accountable actors responsible for violations of children’s human rights during conflicts and wars;

(d) Ensure active, free and meaningful participation of children and representatives of future generations in all policymaking and execution decisions, including those concerning the right to development, the Sustainable Development Goals, annual budgets, climate change, ocean governance, new technologies, trade and investment agreements and public debt;

(e) Make available information to children about major policies, issues of national or international importance and development projects in an accessible and child-friendly manner;

(f) Include children from diverse backgrounds in government delegations involved in multilateral negotiations for various human rights, environmental or climate issues and in regional and international forums relating to these issues or the Sustainable Development Goals;

(g) Adopt laws and policies to ensure that child human rights defenders do not face any threats, bullying or intimidation for carrying out their legitimate work;

(h) Establish child-responsive remedial mechanisms to address effectively violations of children’s human rights;

(i) Establish an institutional mechanism, such as appointing an ombudsperson or a minister for future generations, to embed the principle of intergenerational equity in all government decisions;

(j) Address the continuing adverse effects of nuclear legacies around the world to safeguard the human rights of future generations.

91. The Special Rapporteur recommends that businesses:

(a) Pay a living wage and create a family-friendly work environment to enable parents and caregivers to fulfil their responsibilities to realize the right to development of their children;

(b) Consult meaningfully children, child human rights defenders and child rights experts while conducting human rights due diligence;



(c) Consider, as part of human rights due diligence or impact assessment processes, the adverse impact of their activities on the human rights of future generations and adopt the precautionary principle;

(d) Ensure active, free and meaningful participation of children and representatives of future generations and consider intersectional impacts while developing new technologies and digital games;

(e) Provide financial and other resources to organizations working on child development;

(f) Adopt responsible advertising practices in relation to children and protect children and child human rights defenders from online bullying and harassment;

(g) Establish child-responsive grievance mechanisms to handle complaints concerning violations of children's human rights.

92. The Special Rapporteur recommends that multilateral development banks:

(a) Conduct ex ante assessment of the impacts of project finance on the human rights of children and future generations and include suitable clauses in their contracts to prevent, mitigate and remediate such impacts;

(b) Provide grants and increase long-term, low-interest financing for child development, especially to States under debt distress;

(c) Ensure that their grievance mechanisms are child-responsive to handle complaints about violations of children's human rights effectively.

93. The Special Rapporteur recommends that national human rights institutions:

(a) Raise awareness about and promote the human rights of children and future generations, including by conducting public inquiries;

(b) Constitute advisory committees comprising a diverse group of children to guide their human rights work;

(c) Establish child-responsive remedial mechanisms to deal with violations of children's human rights.

94. The Special Rapporteur recommends that the Secretary-General appoint a special envoy on future generations to ensure that the human rights of future generations are mainstreamed into the work of all United Nations entities and other international and regional organizations.

95. The Special Rapporteur recommends that international financial institutions adopt an intersectional approach in engaging children and representatives of future generations in their strategic policymaking, annual meetings and key decisions.

96. The Special Rapporteur recommends that educational institutions nurture responsible leadership skills among children and offer them education to inculcate respect for human rights, equality, diversity, democracy, peace and sustainability.

97. The Special Rapporteur recommends that school staff and childcare providers ensure the participation of children from diverse backgrounds in their decision-making processes and establish child-responsive grievance mechanisms to handle the grievances of children.