

Mandate of the United Nations Special Rapporteur on the right to development

2024 report of the UN Special Rapporteur: The right to development of children and future generations

Call for input

Introduction

This submission responds to a number of questions raised by the Special Rapporteur in the context of this report. It is a compilation of information from [Child Rights Connect](#) and [University of Nottingham Human Rights Law Centre](#).

The information is **divided into three sections**. The first contribution provides **information on the child's right to development** as presented in a UN Committee on the Rights of the Child (CRC Committee) submission to the UN draft Convention on the Rights to Development.

The second set of contributions focuses on the challenge of the **definition of children and future generations** (and their respective rights claims) in terms of existing International Human Rights Law.

The third set of contributions focuses on a project which ensured that **children's views** and children's rights were brought to bear on the process of a UN treaty body focused on sustainable development. This was in the context of the consultations around the development of General Comment No. 27 of the UN Committee on Economic Social and Cultural Rights (UN CESCR) which is focused on sustainable development. Therefore, building on the practice of the UN Committee on the Rights of the Child, this was the first time that members from another UN treaty body consulted children in a dedicated event. It is also a good practice of diverse participation since children with different backgrounds were able to be part of these consultations.

Responses to questions

1. The child's right to development as presented in a CRC Committee submission to the UN draft Convention on the Rights to Development

The CRC Committee expressed interest in entering into a dialogue about integrating a child rights perspective in the draft convention with the Intergovernmental Working Group on the Right to Development, the Drafting Group, and other relevant actors. They stated the importance that children are given the opportunities to provide their views in the drafting process of the UN Convention on the Right to Development. The submission was co-drafted by Mikiko Otani, member of the CRC Committee and Professor Aoife Nolan, from the University of Nottingham.

You can find the comments to the UN draft Convention on the Right to Development of the Intergovernmental Working Group on the Right to Development, [here](#).

2. Definition of Children and the Future Generations for the Purposes of the Right to Development

All elements have been drafted by Professor Aoife Nolan, Director of the University of Nottingham Human Rights Law Centre.

- **Article.** [The Children are the Future – Or Not? Exploring The Complexities of the Relationship between the Rights of Children and Future Generations.](#)

- **Article.** [General Comment No. 26 on Children and the Environment – A Milestone in International Human Rights Law?](#) This article highlights the outstanding questions in terms of the relationship between children’s rights and future generations’ rights following CRC Committee’s General Comment No. 26 and children’s rights and intergenerational justice/equity more generally.

- **Article.** [Children and Future Generations Rights before the Courts: The Vexed Question of Definitions.](#) Recent years have seen a sharp increase in the number of cases being brought before national courts addressing the constitutional rights of children and future generations (FG) in the context of environmental protection. These cases have required courts to devote increasing attention to a wide-ranging and complicated array of constitutional rights claims involving the short and longer-term impacts of environmental harm on children and FG. This article argues that both litigation and judicial efforts in this area have been hampered by the lack of precision of definitions of ‘future generations’ under comparative constitutional and international human rights law, in particular vis-à-vis children. This lack of precision poses a major challenge to both the delineation and enforcement of rights claims in the context of such litigation. After outlining how these cases are being brought and how courts are addressing (or not) the complexities involved in defining children and FG respectively, the article highlights the lack of authoritative definitions of FG in comparative constitutional law – a lacuna that, the author argues, is exacerbated by the ongoing lack of a clear definition of FG in the international human rights law context. The article concludes by identifying key challenges faced by litigators and courts seeking to engage with children and FG’s rights that result from this definitional gap.

3. Information about a Project which ensured child participation and children’s rights were given effect to in a sustainable development-related process of the UN Committee on Economic Social and Cultural Rights

Information on the work Child Rights Connect, the German Friedrich-Ebert-Foundation, the German National Human Rights Institution, and the University of Nottingham Human Rights Law Centre did with the UN Committee on Economic Social and Cultural Rights:

a) **Newspieces.** On 5th and 6th of April 2022, the [United Nations Committee on Economic, Social and Cultural Rights](#) held three Consultations with children coming from all around the world and from different backgrounds for the first time ever in this Committee. These consultations

were organised to inform the Committee's next General Comment on Sustainable Development and how it affects and connects with economic, social, and cultural rights (ESC rights).

Over 160 children and youth from 35 different countries participated in the Child Consultations, organised in three different meetings to adjust to different time zones: Asia & the Pacific, Europe & Africa, in addition to the Americas & the Caribbean.

The children's participation was very diverse and included children with different backgrounds such as migrant and refugee children, street-connected children, indigenous children, children with disabilities, and LGBTI, among others. Children's ages ranged from 7 to 17 years old and there were also a few youth co-moderators up to 23 years old. Thanks to the interpretations of Arabic, French, German, Hindi, Korean, Spanish and Turkish, children with no or limited knowledge of English could be fully included.

During the Child Consultations, children shared their experiences and raised the challenges they face regarding Sustainable Development and ESC rights in the context of discussing three main themes: equality and non-discrimination, the impact of climate change, and access to natural resources. You can find more information about these consultations below:

- [Consultations](#)
- [Main takeaways from the discussion with children](#)

b) **Joint Statement.** University of Nottingham Human Rights Law Centre and Child Rights Connect joint statement on the occasion of the UN CESCR Day of the General Discussion on the 24 February 2023. [Here](#).