**Comments on the Draft General Comment No 26 on** **children’s rights and the environment, with a special focus on climate change**

 **Comments submitted by The Vegan Society**

**1. Introduction**

1. The Committee on the Rights of the Child seeks stakeholder comments on Draft General Comment No. 26 on children’s rights and the environment, with a special focus on climate change.[[1]](#footnote-2) The present Draft recognises that children are agents of change, “[t]heir status as human rights defenders should be recognised, and their demands for urgent and decisive measures to tackle the global environmental harm should be met and realised to the maximum extent.”[[2]](#footnote-3) The Committee advises that “[t]he application of a child rights-based approach in the environmental context requires the full consideration of all children’s rights under the Convention on the Rights of the Child” (CRC)[[3]](#footnote-4) and emphasises that the right to education includes facilitating the development of respect for the natural environment.

2. The present Draft Comment on children’s rights and the environment, with a special focus on climate change, does not emphasise the importance of Article 14 CRC to its mission. The right to freedom of thought, conscience and religion, for example, is relevant to Articles 28 and 29.

3. Article 14 of the CRC reiterates the child’s right to freedom of thought, conscience and religion. The Human Rights Committee explains in CCPR General Comment 22[[4]](#footnote-5) that the human right to freedom of thought, conscience and religion is “far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief…”. It is broadly constructed and recognises dietary norms as a manifestation and expression of moral conviction.

4. Veganism, which is promoted and encouraged by the United Nations (UN) for its environmental and climate control benefits,[[5]](#footnote-6) attracts protection under the human right to freedom of conscience around the world, including under the European system of human rights and in the United Kingdom (UK). [[6]](#footnote-7)The relevance of the rights of vegan children to the mission of the present Draft General Comment is significant because vegan children eat a 100% plant-based diet and promote measures that support a healthy environment and climate. In support of the Committee’s aims and “children as agents of change and defenders of human rights”,[[7]](#footnote-8) the present Draft General Comment can be strengthened by referencing the interconnecting relationship between its present mission and Article 14 rights, the importance of the prohibition on discrimination against vegan children and the obligation to ensure Article 14 is accessible to vegan children.

5. The Vegan Society explains how Article 14 is relevant to the right to education as explained in section ‘C’ of the present Draft General Comment and illustrates how paragraph 32, specifically, can be strengthened. The society also encourages the Committee to consider further the application of Article 14 and the significance of veganism to the present mission (as exemplified in section 4 below).

**2. Comments from The Vegan Society**

6. Comments provided by The Vegan Society rely on a dynamic interpretation of the CRC[[8]](#footnote-9) and include:

* 2(a) A suggestion to develop the interconnection between Articles 28 and 29 of the Convention.
* 2(b) The definition of veganism.
* 2(c) UN recognition of the benefits of veganism for a healthy environment and climate control.
* 2(d) An explanation of the legal protection of veganism under the human right to freedom of thought, conscience and religion.
* 2(e) Supporting evidence for the relevance of Articles 2 and 14 to paragraph 32.
* 2(f) The right to education and the legal protection of vegan philosophical belief.
* 4. Additional observations on the relevance of vegan education to the present mission.

**2(a) A suggestion to develop the interconnection between Article 28 and 29 of the Convention**

7. The Vegan Society notes that Articles 28 and 29, explaining the child’s right to education, are to be read in conjunction.[[9]](#footnote-10) Paragraph 32 refers to the relationship between Articles 29(1)(e) and 28. The Vegan Society suggests referencing Article 29(1)(b) and (c) in paragraph 32 to emphasise the importance and relevance of additional fundamental rights and the rights of parents to respect for their moral and cultural values in the education of their children.

8. Paragraph 32 explains that Article 29(1)(e) of the Convention, requiring that the education of a child be directed to the development of respect for the natural environment, shall be read in conjunction with Article 28 of the Convention to ensure that every child has the right to receive an education which reflects environmental values. Explicit reference can be made in this paragraph to human rights protection for veganism under Article 14, the rights of parents under the right to education, the Article 2 principle of non-discrimination and the relevance of these protections to a ‘child rights approach’ to the environment with a special focus on climate change. Referring to 29(1)(b) and (c) in addition to 29(1)(e) would further illustrate the “interconnected nature of the Convention’s provisions.”[[10]](#footnote-11)

9. The following sections explain veganism, its recognised contribution to environmental health, the legal protection of vegans and further support for the suggestion to reference the interconnection of Articles 2 and 14 in paragraph 32 of the present Draft General Comment.

**2(b) The definition of veganism**

10. The Vegan Society defines veganism as a “philosophy and way of living which seeks to exclude –

as far as is possible and practicable – all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose; and by extension, promotes the development and use of animal-free alternatives for the benefit of animals, humans and the environment. In dietary terms it denotes the practice of dispensing with all products derived wholly or partly from animals”.[[11]](#footnote-12) Veganism is promoted and encouraged in guidance on climate action published by the United Nations.

**2(c) UN recognition of the benefits of veganism for a healthy environment and climate control**

11. The following examples illustrate the United Nations’ support for veganism:

* IPCC Special Report on Climate Change and Land[[12]](#footnote-13)
* In *Your Guide to Climate Action: Food,* the United Nations promotes and encourages veganism because it reduces an individual’s annual carbon footprint by up to 2.1 tons.[[13]](#footnote-14)
* In *Act Now: Start with These Ten Actions*, the United Nations promotes the value of veganism because growing vegan food results in fewer greenhouse gas emissions and requires less energy, land and water as well as reducing carbon footprint.[[14]](#footnote-15)
* The United Nations hosted article ‘*Consumerism and Climate Change: How the Choices You Make Can Help Mitigate the Effects of Climate Change’,* in the UNAI Food Security and Climate Change series, also promotes and recommends veganism.[[15]](#footnote-16)
* In United Nations climate and environment news (2021), the United Nations promotes an all-vegan football club.[[16]](#footnote-17)
* In the ‘Ideas’ section of *Ethical fashion and Textiles*, the United Nations hosts an explanation of vegan textiles to support our ecosystems.[[17]](#footnote-18)
* The United Nations hosts the article ‘*Vegan Cuisine for Everyone’s Taste’* on developments for veganism in Bosnia and Herzegovina.[[18]](#footnote-19)
* Veganism is well-referenced in *The State of Food Security and Nutrition in the World (*FAO, IFAD, UNICEF, WFP and WHO).[[19]](#footnote-20)

**2(d) An explanation of the legal protection of vegans under the human right to freedom of thought, conscience and religion.**

12. Article 18 of the ICCPR is derived from the Universal Declaration of Human Rights and explains the right to freedom of thought, conscience and religion.

13. The Human Rights Committee explains in CCPR General Comment 22 that the human right to freedom of thought, conscience and religion is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief…. It is broadly constructed and recognises that observance of a belief includes dietary practices.

14.In the European system of human rights,the human right to freedom of thought, conscience and religion is dealt with in the European Convention on Human Rights (ECHR) under Article 9. Article 9 of the ECHR is drawn directly from the Universal Declaration of Human Rights. The former Commission of the European Court of Human Rights (ECtHR) found, in 1993, that veganism is within the scope of the legal meaning of Article 9.[[20]](#footnote-21)

15. The ECtHR oversees the ECHR with the aim of supporting effective public policy, raising the standard of human rights and extending the Court’s jurisprudence across member states. Through its work, the ECtHR ‘elucidates, safeguards and develops the rules instituted by the Convention’. To support this work, the ECtHR has produced a guide on Article 9 right to freedom of thought, conscience and religion, in which it includes veganism in the list of qualifying, cogent, philosophical convictions.[[21]](#footnote-22)

16. The Equality and Human Rights Commissions of the UK publicise protection for vegans under Article 9 of the ECHR,[[22]](#footnote-23) and veganism is a protected characteristic for the purpose of British equality law.[[23]](#footnote-24)

17. Many people adopt veganism because it is less damaging to the environment than traditional animal-intensive methods of producing food. Those with qualifying beliefs around human-made climate change and the urgency to cut carbon emissions, can also be protected from discrimination under British equality law.[[24]](#footnote-25) This protection is considered to be within the legal meaning of the human right to freedom of thought, conscience and religion as explained in General Comment 22 (HRC).

18. As shown above, existing protection for vegans strengthens the mission of the present Draft General Comment. It seems appropriate, therefore, to highlight and illustrate the interconnection of Article 14 throughout the Draft General Comment.

**2(e) Supporting evidence for the relevance of Articles 2 and 14 to paragraph 32**

19. In paragraphs 56-60 of the present Draft General Comment, the Committee recognises that children identify environmental issues as highly relevant and important to their lives, and in relation to Articles 12, 13 and 15 CRC, they have a right to be heard, accommodated and protected under human rights standards.

20. United Nations General Comment No. 1 (2001) Article 29 (1) on the Aims of Education (CRC/GC/2001/1) confirms that Article 29 (1) is interconnected with Articles 2 and 14.

21. General Comment No. 14 (2013) on the right of the child to have their best interests taken as a primary consideration (art. 3, para. 1)[[25]](#footnote-26) recognises that the child’s identity includes the characteristic ‘belief’ and that the child has the right to preserve their identity under Article 8 of the CRC. These principles are represented in the present Draft General Comment. The explanation of ‘belief’ as a characteristic is important in the context of the well-established scope of the human right to freedom of thought, conscience and religion, as represented in Article 14 CRC. The validity of ‘belief’, grounds the interconnection between Articles 2, 14, 28 and 29 of the present Draft General Comment and supports our suggestion to reference protection for vegan children under Article 14, in paragraph 32.

22. General Comment 14 also explains that “[t]he right to non-discrimination is not a passive obligation, prohibiting all forms of discrimination in the enjoyment of rights under the Convention, but also requires appropriate proactive measures taken by the State to ensure effective equal opportunities for all children to enjoy the rights under the Convention.”[[26]](#footnote-27) Highlighting the interconnection between Articles 2, 14, 28 and 29 CRC will further emphasise the required protective measures.

23. In addition, many supportive examples can be found in the Committee’s documents to support The Vegan Society’s suggestion to reference veganism (representing a qualifying philosophical belief relevant to Article 18 ICCPR), Articles 2 and 14, in paragraph 32 of the present Draft General Comment:

* The present Draft General Comment recognises in ‘D’ the importance of food security to the realisation of children’s rights. The United Nations regards veganism to be important to food security.
* The present Draft General Comment includes in ‘G’ the principles of non-discrimination. Paragraph 10, CRC/GC/2001/1, explains that failure to comply with the principles in Article 29(1) can have the effect of undermining, or even destroying, the capacity of the child to benefit from educational opportunities.
* Paragraph 34 of the present Draft General Comment states that education measures should respect human rights and link environmental with social, cultural and economic aspects.
* The Committee’s General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, (CRC/C/GC/20)in paragraph 43, ‘Religion’ (which should be interpreted in the context of the HRC General Comment 22 to include qualifying ‘beliefs’[[27]](#footnote-28)) points to the freedoms guaranteed under Article 18 ICCPR being ’respected in schools…’ and discrimination prohibited.
* Paragraph 12 of CRC/C/GC/20 observes that ‘… adolescents need suitable education and support to tackle local and global challenges…’ Recognising the interconnection of Articles 2, 14, 28 and 29 CRC supports this requirement.
* The Preamble to the United Nations’ CRC recognises the importance of the fundamental rights contained in the International Bill of Rights and recalls the prior international proclamation that childhood is entitled to special care and assistance.
* CRC/GC/2001/1 emphasises in paragraph 8 that “[c]hildren do not lose their human rights by virtue of passing through the school gates”.

**2(f) The right to education and the legal protection of vegan philosophical belief**

24. The right to education under the ECHR explains the important relationship between respect for the right to freedom of thought, conscience and religion and the right to education.[[28]](#footnote-29) The first part of Article 2 of Protocol 1 of the ECHR guarantees the right to education. The second part guarantees the right of parents to have their children educated in conformity with their religious **and** philosophical convictions. This right is given effect in the UK by the Human Rights Act 1998 under which vegans and vegan parents can claim protection. This example illustration of protection under the right to education, in the context of the scope of Article 18(4) ICCPR, supports the suggestion of The Vegan Society to refer to the interconnection between Articles 2, 14, 28 and 29 CRC, in the interests of a child rights approach to the environment and climate change.

**3. Summary: strengthening paragraph 32 of the present Draft General Comment**

25. The Vegan Society notes that a child rights-based approach in the environmental context requires the full consideration of all children’s rights under the Convention on the Rights of the Child and has identified that the present Draft General Comment does not explicitly reference the relevance of Articles 2 and 14 CRC as relevant to the right to education under Articles 28 and 29. The Vegan Society has, therefore, explained veganism, the recognition at the United Nations of the climate benefits of veganism and the legal protection of vegans, which is secured under the scope of the international right to freedom of thought, conscience and religion.

26. The Vegan Society comments that human rights duties to vegan children under Article 14 CRC are, therefore, relevant to a rights-based environmental education that “should be [among others] empowering” (para 32 of the present Draft General Comment). As such, paragraph 32 of the present Draft General Comment can be strengthened by emphasising that a rights-based environmental education should respect and accommodate the needs of vegan children on the grounds that their important, cogent beliefs, relevant to Article 14 CRC, support a healthy environment and climate and that educational institutions should provide healthy vegan food and vegan-inclusive teaching and learning resources.

27. Referencing legal duties under Articles 2 and 14 to vegan children in education in paragraph 32 strengthens the illustration of the interconnection between children’s rights and environmental protection.

**4.** **Additional observations on the relevance of vegan education to the present mission**

28. The Committee indicates in paragraph 22 that “… access to adequate, environmental information and education focusing on respect for the natural environment, sustainable lifestyles and leading a responsible life…” is relevant to an element of the right to life: the right to survival and development. Elements of Articles 17, 24(2)(c), (e) and (f) intersect with Articles 6, 28 and 29(e). This would suggest that all children have a right to information on veganism to acquire knowledge about the environmental, climate and health benefits of vegan dietary solutions.

**5. Conclusion**

29. It is clear that the present mission would benefit from stating the legal obligation under Article 14 to support vegan children as agents of change, recognising that their demands for urgent measures to tackle global environmental harm must be met and reinforcing their status as human rights defenders. It is also apparent that a general vegan-forward approach is important to the creation and provision of authoritative guidance on children’s rights and the environment with a special focus on climate change.

1. Committee on the Rights of the Child: https://www.ohchr.org/en/calls-for-input/2023/call-comments-draft-general-comment-childrens-rights-and-environment-special [↑](#footnote-ref-2)
2. Ibid para. 4 [↑](#footnote-ref-3)
3. Ibid, para.6 [↑](#footnote-ref-4)
4. UN Human Rights Committee, General Comment No. 22: The Right to Freedom of Thought, Conscience

and Religion (Art. 18), CCPR/C/21/Rev.1/Add.4. [↑](#footnote-ref-5)
5. IPCC Special Report on Climate Change and Land: https://www.ipcc.ch/srccl/ [↑](#footnote-ref-6)
6. Mr J. Casamitjana Costa v The League Against Cruel Sports: ET 3331129/2018 https://assets.publishing.service.gov.uk/media/5e3419ece5274a08dc828fdd/Mr\_J\_Casamitjana\_Costa\_v\_The\_League\_Against\_Cruel\_Sports\_-\_3331129-18\_-\_Open\_Preliminary\_Hearing\_Judgment\_\_\_Reasons.pdf [↑](#footnote-ref-7)
7. Op. cit. n.1 para. 4 [↑](#footnote-ref-8)
8. Op. cit. n. 1., para. 9 [↑](#footnote-ref-9)
9. CRC/CG/2001/1, para. 9 [↑](#footnote-ref-10)
10. GRC/GC2001/1, para. 6 [↑](#footnote-ref-11)
11. The Vegan Society: https://www.vegansociety.com/go-vegan/definition-veganism [↑](#footnote-ref-12)
12. https://www.ipcc.ch/srccl/ [↑](#footnote-ref-13)
13. <https://www.un.org/en/actnow/food> [↑](#footnote-ref-14)
14. https://www.un.org/en/actnow/ten-actions [↑](#footnote-ref-15)
15. https://www.un.org/en/academic-impact/consumerism-and-climate-change-how-choices-you-make-can-help-mitigate-effects [↑](#footnote-ref-16)
16. https://news.un.org/en/story/2021/06/1093552 [↑](#footnote-ref-17)
17. https://ideas.unite.un.org/ethicalfashion/Page/ViewIdea?ideaid=1600 [↑](#footnote-ref-18)
18. https://bosniaherzegovina.un.org/en/173205-vegan-cuisine-everyones-taste [↑](#footnote-ref-19)
19. FAO, IFAD, UNICEF, WFP and WHO. 2020. The State of Food Security and Nutrition in the World 2020.

Transforming food systems for affordable healthy diets. Rome, FAO.

https://doi.org/10.4060/ca9692en [↑](#footnote-ref-20)
20. *W v the United Kingdom*, App. No. 18187/91 [↑](#footnote-ref-21)
21. The European Court of Human Rights, 2022, ‘Guide on Article 9 of the European Convention on Human Rights’. https://www.echr.coe.int/Documents/Guide\_Art\_9\_ENG.pdf [↑](#footnote-ref-22)
22. Equality and Human Rights Commission: ’Freedom of Thought, Belief and Religion’. https://www.equalityhumanrights.com/en/human-rights-act/article-9-freedom-thought-belief-and-religion [↑](#footnote-ref-23)
23. Mr J. Casamitjana Costa v The League Against Cruel Sports: ET 3331129/2018 https://assets.publishing.service.gov.uk/media/5e3419ece5274a08dc828fdd/Mr\_J\_Casamitjana\_Costa\_v\_The\_League\_Against\_Cruel\_Sports\_-\_3331129-18\_-\_Open\_Preliminary\_Hearing\_Judgment\_\_\_Reasons.pdf [↑](#footnote-ref-24)
24. Grainger Plc & Ors v. Nicholson [2009] UKEAT 0219\_09\_0311 (3 November 2009): http://www.bailii.org/uk/cases/UKEAT/2009/0219\_09\_0311.html [↑](#footnote-ref-25)
25. United Nations, Committee on the Right of Children, CRC/C/GC/14 [↑](#footnote-ref-26)
26. Ibid B.1. [↑](#footnote-ref-27)
27. “The same protection is enjoyed by holders of all beliefs of a non-religious nature.” (HRC General Comment No. 22).

on article 18 of the International Covenant on Civil and Political Rights”. Special Rapporteur on freedom of religion or belief. ‘Rapporteur’s Digest

on Freedom of Religion or Belief’: https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf [↑](#footnote-ref-28)
28. European Court of Human Rights, 2022, ‘Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights: Right to Education’. https://www.echr.coe.int/documents/guide\_art\_2\_protocol\_1\_eng.pdf [↑](#footnote-ref-29)