

Right to development of children and future generations (A/HRC/57/43)

Summary of the Report of the Special Rapporteur on the right to development, Surya Deva

In the report submitted to the Human Rights Council pursuant to 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: investing in child development, nurturing responsible leadership, enabling participation, ensuring safety and facilitating remediation.

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.

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. The term “future generations” should be understood to refer to all generations that do not yet exist, but will exist and inherit the Earth in the future. The Special Rapporteur recommends that the concept of future generations should be understood to include all organisms, not merely human beings.

The focus on children and future generations in this report is underpinned by three factors. *First*, the right to development from the perspective of children has, to date, received inadequate attention. *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. While children and future generations will experience disproportionate impacts of such challenges, they will have made no or a minimal contribution to these challenges. *Third*, children have started to take leadership on issues and decisions affecting their rights and those of future generations. Moreover, human rights standards, such as the 2023 Maastricht Principles on the Human Rights of Future Generations, that focus on the human rights of future generations have started to emerge. States are also negotiating a Declaration on Future Generations, to be adopted at the Summit of the Future in September 2024.

Most of the existing international human rights normative standards 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. Although the Declaration on the Right to Development does not expressly mention

children, there is no doubt that the reference to the right to development in relation to “every human person and all peoples” includes children.

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, 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.

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.

Third, fair distribution is another overarching principle of the right to development. 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).

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

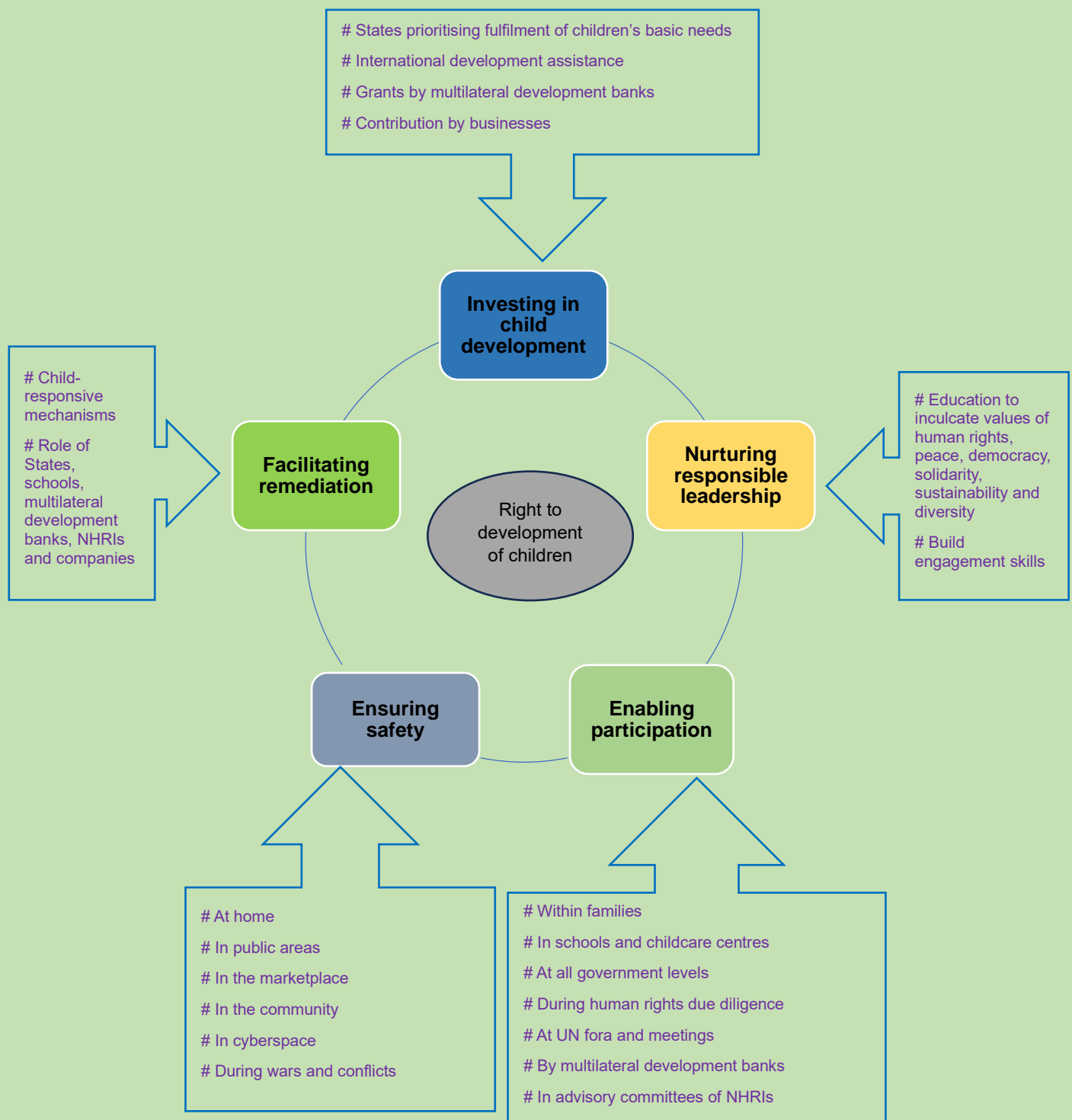
The 2030 Agenda for Sustainable Development provides an important pathway to realizing the right to development, including of children. However, currently, the progress made towards achieving the SDGs casts a gloomy prospect. About 200 million children below the age of 5 are still affected by undernutrition 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. In other words, despite commitments on paper, hundreds of millions of children are being left behind.

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, 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.

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 1: Five action pillars to realise the right to development of children



Human rights of future generations

While most international standards do not explicitly elaborate on human rights in relation to future generations, the rights and needs of future generations have been on the minds of the drafters of international human rights standards for decades. For example, Principle 3 of the 1992 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 1993 Vienna Declaration and Programme of Action.

The Maastricht Principles provide a detailed articulation of the human rights of future generations. Moreover, in the second revision of the Declaration on Future Generations, the Heads of State and Government resolve “to ensure that present generations act with responsibility towards safeguarding the needs and interests of future generations” (para 6).

Taking seriously the human rights of future generations – including the right to development – will require decision makers at all levels to identify and prevent 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 undermine the ability of future generations to realize their human rights.

The Special Rapporteur recommends **four policy shifts** to build an 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.

The Special Rapporteur concludes with several actionable recommendations for States, multilateral development banks, national human rights institutions and businesses to realise the right to development of children and future generations. He specifically 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.
