



ENGAGING WITH INTER-GOVERNMENTAL MECHANISMS ON THE RIGHT TO A HEALTHY ENVIRONMENT AND CLIMATE CHANGE

Fact Sheet 2

Introducing the right to a healthy environment

A safe, clean, healthy environment is necessary for all of us to thrive. It provides the foundation that allows us to live with dignity and enjoy many of our fundamental rights, including the rights to life, health, food, housing and safe drinking water.

On 8 October 2021, the Human Rights Council adopted a landmark resolution recognising the right to a safe, clean, healthy and sustainable environment – or, more simply, the right to a healthy environment – as a universal right. This places it on the same level as other fundamental rights.

While the resolution is not legally binding, it demonstrates a strong political commitment by UN Members States and can be a catalyst for sustained action to address the serious environmental issues facing communities in all parts of the globe.

A long journey to recognition

The 2021 Council resolution was decades in the making. In 1972, the UN convened the first world conference on the environment in Stockholm. Twenty years later, the Earth Summit – another landmark UN event - was held in Rio. Both conferences adopted important outcome statements.

Since then, efforts to address climate change and promote the right to a healthy environment and have gathered pace at the national, regional and international levels, with small island nations in the Asia Pacific among the leading voices promoting the need for concerted, collective action by the United Nations.

What does the right to a healthy environment include?

The right to a healthy environment includes **substantive** and **procedural** elements.

The **substantive elements** set out the environmental conditions that people need so they can fully enjoy their human rights. They include:

- Clean air

- Safe climate

- Safe water and adequate sanitation

- Healthy and sustainably produced food

- Non-toxic environments in which to live, work, study and play

- Healthy biodiversity and ecosystems

The **procedural elements** describe the processes that States must take to ensure that individuals and communities are engaged in promoting and securing the right to a healthy environment, including:

- Access to environmental information

- Participation in environmental decision-making

- Access to effective remedies

“Bold action is now required to ensure this resolution on the right to a healthy environment serves as a springboard to push for transformative economic, social and environmental policies that will protect people and nature.”

Michelle Bachelet, UN High Commissioner for Human Rights

What are the obligations on States?

While the 2021 Council resolution is non-binding, States have human rights obligations in relation to the environment set out in a wide range of international human rights treaties, recommendations from UN mechanisms and bodies, and international environmental instruments, among others.

The Framework Principles on Human Rights and the Environment set out the basic obligations on States, including:

- **Substantive obligations** to adopt legal and institutional frameworks to protect against environmental harm, including harm caused by private actors and transboundary environmental harm.

- **Procedural obligations** to equip people with environmental information, to facilitate their participation in decision-making, and to provide access to remedies for harm.

- **Non-discrimination and protection obligations**, with a focus on groups in situations of vulnerability and environmental human rights defenders.

Legal backing for a healthy environment

When States give legal recognition to the right to a healthy environment, it can make a profound difference at the national level, through:

- Stronger environmental protection laws and policies

- Improved implementation and enforcement of environmental regulations

- Greater public participation in environmental decision-making

- Increased environmental education

- Reduced environmental injustices

- Better environmental performance

Prioritising those most at risk of harm

The human rights impacts of climate change and environmental damage are felt by all people, in all communities. However, some groups – especially women, children and indigenous peoples – can face heightened risks and impacts.

It is the responsibility of States to identify and respond to the specific human rights challenges these groups face. In doing so, it is vital that these groups are not seen solely through the prism of vulnerability. They should also be recognised as agents of change and essential partners in climate action and efforts to protect a healthy environment.

States, national human rights institutions (NHRIs) and regional mechanisms should engage with these groups and develop solutions according to the guiding principles set out in relevant international human rights treaties and declarations.

NHRIs and regional mechanisms: Drivers for change

With their unique and complementary mandates, NHRIs and regional mechanisms can play a key role to collaborate for the implementation of the right to a healthy environment.

This 2021 Council resolution calls for this close collaboration, which has been demonstrated in practice over many years in the working relationships established between NHRIs and regional mechanisms in Africa, the Americas and Europe.

Regional mechanisms have the authority to promote human rights standards and provide guidance to States, while reflecting regional priorities and concerns. At the same time, NHRIs can be credible and effective partners at the national level, using their mandate to monitor, assist and report on the implementation of the right to a healthy environment.

“National human rights institutions are at the forefront of protecting and promoting human rights ... These institutions engage actors who are knowledgeable and who have the existing authority and networks capable of promoting, implementing and defending the right to a healthy environment.”

David Boyd, UN Special Rapporteur on human rights and the environment



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Established in 1996, the Asia Pacific Forum is a coalition of 25 NHRIs from all corners of the region. We support the establishment and strengthening of independent NHRIs, recognising the powerful role they play to promote and protect human rights across the Asia Pacific.



**Funded by
the European Union**

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the APF and do not necessarily reflect the views of the European Union.