

UN Environment Management Group Nexus Dialogues

Human Rights and the Environment: A 3-Part Series of Nexus Dialogues

The Right to a Healthy Environment (24 July 2020)

Human Rights and Biodiversity (Coming up!)

Human Rights and Climate Action (Coming up!)

Virtual Series

Outcome Document

Environmental degradation, including climate change and biodiversity loss, is a threat to all human rights (e.g. food, water and sanitation, housing, health, development, decent work, life, etc.) Persons, groups and peoples already in vulnerable situations are amongst the most exposed to the impacts of environmental degradation with the least resources to withstand them. A human rights-based approach leads to more sustainable environmental action to mitigate and adapt to biodiversity loss and climate change. Human rights language in the Paris Agreement and the increasing attention by the Human Rights Council on climate change and the environment, including the rights of environmental human rights defenders, have increased demand by Member States to address the human rights impact of environmental harm.

COVID-19 has resulted in the postponement of many intergovernmental negotiations related to protection of the environment, while simultaneously illustrating the sharp linkages between people and their environment. 2020 has been called the "[super-year for nature and biodiversity](#)," with important negotiations on [biodiversity](#), [climate change](#) and chemicals management planned. Rather than lose the super-year momentum, the Secretary-General has called for the international development community to take the actions needed to reduce the risk of future pandemics and environmental harm by building back better from the crisis.

Against this background, the UN Environment Management Group, in close collaboration with the Office of the UN High Commissioner for Human Rights, is organizing a series of three virtual Nexus Dialogues. The first Nexus Dialogue took place on 24 July 2020 and focused on *The Right to a Healthy Environment*. The Dialogues intend to mobilize the UN system behind rights-based environmental action, and to consider protection gaps and opportunities to strengthen the human right to a healthy environment, increase climate ambition, and integrate rights into the post-2020 Global Biodiversity Framework.

The Dialogues also align with the Secretary-General's Call to Action on Human Rights and the UN Environment Programme's COVID-19 response which emphasizes modernizing environmental governance and multilateralism with a move towards virtual e-platforms, while simultaneously lowering the overall environmental footprint.

Key messages noted during the first 1.5-hour Webinar Nexus Dialogue, include:

The Special Rapporteur on Human Rights and Environment, the Permanent Representative of Slovenia to UNOG, and representatives from the United Nations Children's Fund (UNICEF) and the UN Environment Programme (UNEP) spoke about institutional and systemic challenges, including:

- **Lack of trust in the scientific community** (e.g. Intergovernmental Panel on Climate Change, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, etc.) **and a climate of misinformation and ignorance about populations in vulnerable situations** (e.g. children, indigenous peoples, etc.) **and how environmental harms** pose a challenge to efforts to promote universal recognition of and effective implementation of the *Right to a Healthy Environment*.¹ Currently, 80% of States recognize the right which has both procedural and substantive elements. These include access to information, public participation, and access to justice and effective remedies, as well as substantive elements including clean air, a safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems.²
- **Due to COVID-19 slowing international and national processes, important consultations on a potential resolution on the human right to a healthy environment have been delayed**, creating difficulties in establishing consensus for its global recognition.

Specific protection gaps which directly influence the effective implementation of the *Right to a Healthy Environment* were identified, as well as opportunities going forward:

- **There are capacity gaps at the international, regional, national, and local levels** which hinder the recognition of the *Right to a Healthy Environment*. These include: weak institutions, ineffective rule of law, corruption, and a lack of implementation. The UN has an important role in delivering valid, consistent, and substantive guidance.

¹ "A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the rights to life, health, food, water and development. At the same time, the exercise of human rights, including the rights to information, participation and remedy, is vital to the protection of the environment". See UN Doc. A/73/188

² See UN Doc. A/HRC/43/53

- **At this time, there is no universal definition or harmonized approach** (e.g. articulating a binding legal obligation to protect the *Right to a Healthy Environment*). However, with 156 member states recognizing the right in some form – there is greater potential for widespread international commitment and universal recognition.
- **Support for universal recognition of the human right to a healthy environment is widespread in civil society.** Many young people, in particular, view this as critical to the achievement of intergenerational equity and sustainable development. Good practices are paving the way for recognition and implementation of this right, including for instance laws to ban unnecessary use of single-use plastics adopted by more than 50 countries.

Despite challenges and capacity gaps, continued work on the *Right to a Healthy Environment* is resulting in solutions and initiatives that advance rights-based environmental action. In fact, it has been noted that experience with and evidence related to the implementation of the right to a healthy environment at the national level demonstrate that “a rights-based approach clarifies the obligations of States and businesses; catalyses ambitious action; highlights the plight of the poorest and most vulnerable; and empowers people to become involved in designing and implementing solutions”;³ ensuring better outcomes for people and planet. A number of initiatives were highlighted by the discussion:

- **Through inclusive and parallel processes, the Republic of Slovenia is working with Morocco, Switzerland, Costa Rica, and the Maldives** to consult whether a global recognition of the *Right to a Healthy Environment* via a gradual process could take place in a consensual manner: firstly, through a resolution by the Human Rights Council and then by the General Assembly.
- **UNEP** is increasing awareness of the potential of the Universal Periodic Review (UPR) of the Human Rights Council to advance rights-based environmental action. The UPR periodically assesses the human rights records of all 193 member states through a peer review process. UNEP has been conducting research on to what extent the *Right to a Healthy Environment* has been integrated into the UPR process (cycle 3, sessions 27-35). Over a period of 3½ years, the UPR has issued over 600 recommendations related to the environment.
- As a core partner in the Children’s Environmental Rights Initiative and joint custodian of the Intergovernmental Declaration on Children, Youth, and Climate Action, **UNICEF** has assisted in incorporating climate resilience in their programmes in order to provide youth with information on how to engage in climate action, including in participating in COPs and intergovernmental negotiations. It was also noted that a resolution on children’s rights and the environment (in relation to the annual day on the rights of the child which

³ UN Doc. A/74/161

this year focused on children's rights and the environment) would be tabled at the upcoming 45th session of the Human Rights Council, with the Group of Latin America and Caribbean Countries and the EU comprising the core group facilitating the resolution.

- **The Special Rapporteur on Human Rights and the Environment** will present his report "Human Rights Depend on a Healthy Biosphere" to the General Assembly in October 2020. The Rapporteur is also consulting with a wide coalition of civil society organizations, poised to launch a global call for the UN recognition of the *Right to a Healthy Environment*. Earlier in 2020, the Special Rapporteur presented a report compiling good practices on the right to a safe, clean, healthy and sustainable environment, including regarding legal recognition, procedural elements and substantive elements.

The following recommendations are suggested as actionable next steps and recommendations for the international community:

- Participants in the dialogue agreed that **global recognition of the human *Right to a Healthy Environment* would advance efforts to protect both people and planet**, and the time for such recognition was now.
- By issuing valid, consistent and substantive guidance to member states, barriers to the recognition of the *Right to a Healthy Environment* could be lowered. Such guidance could comprise suggestions on definitions and good practices which also engage multiple stakeholders such as civil society, National Human Rights Institutions, academia and private sector actors.
- **On the national level, there is a need for a broad coalition to support the efforts towards realizing the *Right to a Healthy Environment*.** For example, strengthen environmental laws and policies, improve implementation and enforcement, increase education, facilitate public participation, and ensure accountability on this issue. The protection of human rights defenders including environmental human rights defenders and ensuring accountability and access to justice was also highlighted.
- In addition to supporting law and governance, UN agencies are encouraged to act on the Secretary-General's Call to Action, and **promote low-carbon approaches in their programmes as well as to meaningfully engage all stakeholders, including children and young persons**, in decision-making. The UN Sustainability Strategy 2020-2030 provides an opportunity to ensure rights-based sustainable development.
- To monitor UN guidance and ensuing national legislation, **the UN system and member states are encouraged to promote the UPR as a reliable and valid follow-up and review mechanism for environmental commitments**. Since its inception, the UPR has issued many recommendations about environmental issues, yet they are not widely known or integrated into policy.

- 2030 is a critical target date for the **Sustainable Development Goals and the 2030 Agenda**. Barriers to the effective realization of sustainable development for all, including weak rule of law, lack of capacity and effective institutions need to be overcome to realize the right to a healthy environment.
- **Good practices can help to demonstrate the positive impacts** of effectively implementing and realizing the right to a healthy environment.
- The establishment of an **EMG Issue Management Group (IMG) on human rights and the environment** was highlighted as a pathway to increase UN system capacity to support member states in advancing and implementing the human right to a healthy environment, including the protection of environmental defenders, promoting environmental education, and expanding civic space.

To keep momentum on the super-year and efforts to realize the *Right to a Healthy Environment for all, several recommendations were made, including dissemination of information and integration of information into policy to enhance accountability across stakeholders*. Ensuring awareness-raising, greater integration into programmes, and regional/national/local development plans and accountability were highlighted as multiple pathways in pursuit of the same objective: *The Right to a Healthy Environment*.

We would like to thank the following high-level and expert panellists for their valuable contributions to the Human Rights & the Environment Nexus Dialogue Series.

The Right to a Healthy Environment (24 July 2020)

- Mr. David Boyd, Special Rapporteur on Human Rights and Environment
- H.E. Ms. Sabina Stadler Repnik, the Permanent Representative of Slovenia to UNOG
- Ms. Amy Wickham, Programme Specialist, Climate, Energy and Environment, UNICEF
- Ms. Soo-Young Hwang, Legal Officer, UNEP

Special thanks to the UN EMG, UNOHCHR, and UNEP teams for organization and coordination:

UN Environment Management Group Secretariat

- Mr. Satya Tripathi, UN Assistant Secretary-General and Head of New York Office, UNEP and Secretary, EMG Secretariat
- Mr. Hossein Fadaei, Head of Office, EMG Secretariat
- Ms. Jannica Pitkanen, Programme Management Officer, EMG Secretariat
- Ms. Nina Arden, Nexus Dialogue Consultant, EMG Secretariat
- Ms. Irene Kariuki, Administrative Assistant, EMG Secretariat
- Ms. Marine Lecerf, Intern, EMG Secretariat

Office of the United Nations High Commissioner for Human Rights

- Mr. Benjamin Schacter, Human Rights Officer, UNOHCHR
- Ms. Amanda Kron, Associate Expert, UNOHCHR

UN Environment Programme

- Ms. Angela Kariuki, Programme Officer, UNEP