



UNITED NATIONS

ENVIRONMENT MANAGEMENT GROUP

EMG

26th Senior Officials Meeting of the United Nations Environment Management Group Technical Segment, 15 th October 2020 (15:00 -17:00 GVA time) Online	EMGSOM.26_4a Distribution: EMG Members
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Proposal

Issue Management Group on Human Rights and the Environment

Objective: To integrate the human right to a healthy environment in the work of the UN ensuring a coherent, rights-based approach to environmental action throughout the UN system.

Background: In the past several years, substantial progress has been made within the UN system in the area of human rights and the environment. Recently the UN Secretary General, the High Commissioner for Human Rights, the UNEP Executive Director, the UNICEF Executive Director and the UN Special Rapporteur on human rights and the environment, have all called for increased efforts to advance and implement the human right to a healthy environment. The Secretary General's [Call to Action for Human Rights](#) issued in February 2020 contains a dedicated section on rights of future generations, especially climate justice, highlighting as a key action going forward to "increase United Nations support to Member States at field level for laws and policies that regulate and promote the right to a safe, clean, healthy and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns".

This enhanced focus on the human right to a healthy environment aligns with developments in the work of the human rights treaty-bodies,¹ in judicial decisions,² and in environmental law and policy through e.g. the Escazù Agreement, the Aarhus Convention, the Paris Agreement, and the negotiations of the post-2020 Global Biodiversity Framework as well as in the resolutions of the Human Rights Council (HRC) and the United Nations Environment Assembly (UNEA).

In its resolution 37/8, the HRC noted that "more than 100 States have recognized some form of a right to a healthy environment in, inter alia, international agreements, their constitutions, legislation or policies". Other recent HRC resolutions have addressed specific issues related to human rights and the environment including a safe and stable climate (HRC resolution 41/21), recognition and protection of

¹ E.g. the Human Rights Committee's General Comment No. 36 on the right to life, the Committee on the Elimination of Discrimination Against Women's General Recommendation No. 34 on the rights of rural women and its General Comment No. 37 on gender dimensions of disaster risk reduction in the context of climate change

² E.g. the decision of the Dutch Supreme Court in *Urgenda Foundation v. Netherlands*, and the Inter-American Court's decision in *Indigenous Communities of the Lhaka Honhat Association v. Argentina*, *People vs. Arctic oil* (Norway); *Juliana v. the United States* (USA).

environmental human rights defenders (HRC resolution 40/11), and toxic wastes (HRC resolution 36/15). UNEA Resolution 4/17 on promoting gender equality and the human rights and empowerment of women and girls in environmental governance is the first UNEA resolution with a specific focus on human rights and an explicit reference to the human right to a healthy environment.

These and other developments have led the core group of sponsors (Cosa Rica, Maldives, Morocco, Slovenia and Switzerland) to the HRC resolution on human rights and environment to plan a consultative process regarding a potential HRC resolution that would universally recognize the human right to a healthy environment. In this context and with the COVID-19 crisis further exposing the need for immediate, evidence-based action to protect both people and planet while building back better, there is an opportunity for the UN EMG to support efforts to ensure a more coherent and consistent UN system-wide approach to human rights and the environment in line with the UN Secretary-General's Call to Action for Human Rights.

During the EMG midterm meeting on 29 April 2020, OHCHR presented a proposal to establish a new IMG for this purpose. As noted during the meeting, the work of the IMG would draw on the findings of relevant EMG processes, initiatives and nexus dialogues, including the dialogues organized on 24 July and 22 September 2020 on the human right to a healthy environment and the Workshop held on 23 September 2020 with EMG focal points which have informed this proposal. The proposed IMG would also collaborate with and build on the work of other IMGs and EMG consultative processes, including on safeguards and the UN Model Approach, the UN Sustainability Strategy for 2020-2030 and the EMG Consultative Process on Biodiversity.

Scope: It is proposed that the IMG will undertake activities to raise the priority given to the human right to a healthy environment throughout the UN system including to:

- Promote integration of the human right to a healthy environment in the work of UN country teams, human rights treaty-bodies and multilateral environmental agreements, drawing on existing UN efforts and UNDG guidance on a human rights-based approach;
- Support efforts to build back better and more sustainably from the COVID-19 crisis, promoting a human rights based approach to COVID-19 response and recovery efforts including green stimulus packages;
- Facilitate enhanced coordination and information-sharing between UN entities and actors on human rights and the environment at the international, regional and national levels including through a series of thematic deep-dive discussions on the elements of the human right to a healthy environment;
- Strengthen dialogue between the UN system, defenders and governments related to improved protection measures for environmental human rights defenders;
- Promote public participation, access to information and access to justice in environmental matters, in particular, for women, children, youth, persons with disabilities, indigenous peoples, local communities and other persons, groups and peoples in vulnerable situations including in the context of UN activities, processes and outputs.

Potential **outputs** of the IMG may include:

- Guidance on integrating issues related to environmental rights and environmental human rights defenders in UN Common Country Analysis and United Nations Sustainable Development Cooperation Frameworks;

- Guidance on integrating human rights in the development of national commitments under multilateral environmental agreements, including e.g. Nationally Determined Contributions and National Biodiversity Strategies and Action Plans;
- UN messaging and advocacy documents for engagement on issues such as recognition and implementation of the right to a healthy environment; addressing women’s rights and gender equality, the rights of indigenous peoples, children’s rights and intergenerational justice, human mobility, the rights of workers and a just transition in environmental action; building back better from COVID-19; environmental justice; and nature-based solutions;
- Joint strategies for engagement with key intergovernmental negotiations related to climate change, biodiversity and other critical environmental issues; and
- Capacity-building and peer-learning on rights-based approaches in UN programming including with respect to frameworks such as the UN Model Approach to Environmental and Social Standards for UN Programming and the UN Sustainability Strategy 2020-2030.

The exact activities and terms of reference would be discussed with all interested members of the EMG prior to and during the first meeting of the IMG. It is envisaged that the IMG would operate for an initial period of 18 months with the possibility of extension.

Suggested Actions

The EMG Senior Officials:

- a) Agree to establish an Issue Management Group on Human Rights and the Environment with the purpose to integrate the human right to a healthy environment in the work of the UN ensuring a coherent, rights-based approach to environmental action throughout the UN system;
- b) Request the EMG Secretariat to facilitate the establishment of the IMG and to support its work.