



UNITED NATIONS
ENVIRONMENT MANAGEMENT GROUP

EMG



Issue Management Group on Human Rights and the Environment

Draft Terms of Reference

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 United Nations Environment Programme (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 and collective 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 Escazú Agreement, the Aarhus Convention, Protocol on PRTRs, 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), human rights and climate change (HRC resolution 44/7), realizing the rights of the child through a healthy environment (HRC resolution 45/30), recognition and protection of 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 (Costa 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, including environmental justice and intergenerational equity. 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 recovering better and greener, there is an opportunity for the

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)*.

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.

Recognizing this, EMG Senior Officials agreed to establish an Issue Management Group on Human Rights and the Environment during the [26th EMG Senior Officials Meeting in October 2020](#). The work of the Issue Management Group (IMG) will 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 draft Terms of Reference (ToR).

Objective and scope

The objective of the IMG is to integrate the human right to a healthy environment into the work of the UN to ensure a coherent and rights-based approach to environmental action throughout the UN system.

Scope: 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 better and more sustainably in response to and recovery from the COVID-19 crisis, promoting a human rights-based approach to guide 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;
- Discuss and identify measures to improve protection for environmental human rights defenders, including indigenous peoples environmental defenders, and strengthen dialogue between defenders, the U.N system and governments;
- Promote inclusive public participation, non-discriminatory 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 or marginalized situations including in the context of UN activities, processes and outputs, consistent with human rights; and
- Further a better understanding of the interdependence of human rights, especially regarding the linkages between the right to a healthy environment and other human rights such as the rights to health and food or the rights to freedom of expression and peaceful assembly.

Composition

Under the leadership of EMG, OHCHR, and UNEP, the IMG will be composed of focal points nominated by EMG members. IMG meetings will be organised by the EMG Secretariat, OHCHR and UNEP, primarily through electronic means. Meetings may be open to observers from non-UN entities whose knowledge, activities or expertise will be relevant and useful to the work of the IMG.

Tentative outline of the work of the IMG

The IMG shall organize its work to undertake and prepare the following main activities and outputs:

- Guidance on integrating environmental rights in UN Common Country Analysis and UN Sustainable Development Cooperation Frameworks;
- Guidance on integrating human rights in the development of national obligations and non-State actor commitments under multilateral environmental agreements, including e.g. Nationally Determined Contributions and National Biodiversity Strategies and Action Plans, and Land Degradation Neutrality commitments under the UNCCD;
- 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 and local communities, children’s rights and intergenerational equity, human mobility, environmental human rights defenders, labour rights, the rights of workers and a just transition in environmental action; building better in response and recovery from COVID-19; environmental justice; one health approach, the environmental dimension of food security; and nature-based solutions;
- Joint strategies for engagement with key intergovernmental negotiations related to climate change, biodiversity, land and other critical environmental issues;
- A series of thematic deep-dive discussions on the elements of the human right to a healthy environment; 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.

As per the decision at the 26th Senior Officials Meeting, the IMG will operate for an initial period of 18 months with the possibility of extension.

In developing the activities and outputs outlined above, the IMG will prepare a workplan taking into consideration relevant events and processes on human rights and the environment. The activities and outputs will be developed in close coordination with the work undertaken under the Secretary-General’s Call to Action for Human Rights and drawing on relevant existing initiatives.