

# Upholding the Human Right to a Healthy Environment to Address the Triple Planetary Crisis

## Common Narrative

NOVEMBER 2022



UNITED NATIONS

ENVIRONMENT MANAGEMENT GROUP

**EMG**

# About this Narrative:

## Why write this narrative now?

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The United Nations High Commissioner for Human Rights has described the triple planetary crisis of [climate change](#), [biodiversity loss](#) and [pollution](#) as the [biggest threat to human rights](#) globally. Amid growing awareness of these challenges, on 28 July 2022, the United Nations General Assembly adopted [resolution 76/300](#) recognizing the human right to a clean, healthy and sustainable environment. The resolution is in line with the Secretary-General's [Our Common Agenda](#) and the [Call to Action for Human Rights](#). It urges the United Nations, States, businesses and other stakeholders to advance the realization of this right.

Guidance on the United Nations Sustainable Development Framework contains a clear statement of commitment to leaving no one behind in implementing the 2030 Agenda for Sustainable Development. This includes reducing inequalities and vulnerabilities to impacts of climate change and the degradation of nature and navigating a just transition to environmentally sustainable economies and societies for all. The guidance also stresses the commitment to provide more coherent policy support, including across development, humanitarian and peacebuilding efforts and human rights mechanisms.

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### Who prepared this narrative?

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Members of the [Environment Management Group's Issue Management Group on Human Rights and the Environment](#) and the [Call to Action Working Group on Rights of Future Generations](#) wrote this document. It is part of the broader, ongoing efforts to respond to the planetary crisis in a systemic way. Key messages complement a training package, including an operational checklist for integrating the right to a healthy environment into Common Country Analyses and Cooperation Frameworks.

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### Who is this narrative for?

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Primarily United Nations Resident Coordinators and Country Teams but also all United Nations personnel at all levels.

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### What are the objectives?

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- To clarify, raise awareness and collectively reflect on the links among human rights, the environment and sustainable development so the United Nations can be more intentional in its practices and address these issues in a more effective and integrated way.
- To advance common understanding of how to integrate human rights and the environmental dimensions of sustainable development.
- In line with General Assembly resolution 76/300, to support States and relevant stakeholders to advance realization of the right to a healthy environment in synergy with the Sustainable Development Goals, international human rights treaties, international labour standards, and multilateral environmental agreements and frameworks.
- To facilitate meaningful collaboration and dialogues across entities and themes, and foster joint advocacy.

# Common Narrative: Advancing the Human Right to a Healthy Environment

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## WHAT ARE THE CONNECTIONS AMONG HUMAN RIGHTS, THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT?

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**Key message: All three issues intersect in multiple ways. Understanding and acting on these links adds value by simultaneously improving multiple outcomes.**

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An unprecedented [triple planetary crisis](#) of climate change, biodiversity loss and pollution has arrived. Scientific consensus suggests that we are dangerously close to or have already crossed multiple [planetary boundaries](#) critical for human well-being and survival.

The triple planetary crisis is one of the greatest challenges to human rights and sustainable development, now and in the future. Recovery from COVID-19 and a just transition to environmentally sustainable economies and societies, constitute an opportunity to minimize the future impacts of the triple planetary crisis and move away from harmful production and consumption patterns, structural inequalities, poverty and conflict.

As recognized by the General Assembly, sustainable development and environmental protection contribute to the enjoyment of human rights to life, the highest attainable standard of physical and mental health, an adequate standard of living, adequate food, housing, safe drinking water and sanitation, and participation in cultural life, for present and future generations.<sup>1</sup>

Protecting the environment is therefore key to protecting human rights. Conversely, protecting human rights, including rights to access environmental information, meaningful participation in environmental decision-making, and access to justice and remedies for violations, helps protect the planet and promote sustainable development.<sup>2</sup>

## HOW HAVE LINKS BETWEEN HUMAN RIGHTS AND THE ENVIRONMENT BEEN RECOGNIZED IN LAW AND POLICY?

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**Key message: Over 150 United Nations Member States, the Human Rights Council and the General Assembly recognize the right to a healthy environment. Many multilateral environmental agreements and sustainable development frameworks link human rights and the environment.**

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The right to a healthy environment is not new. It is part of Indigenous legal systems. The 1972 Stockholm Declaration articulated it. More than 150 United Nations Member States legally recognize the right to a safe, clean, healthy and sustainable environment. This right appears in constitutions (over 100 countries), national legislation (over 100 countries) and/or regional treaties (over 120 countries).<sup>3</sup>

Environmental protections have also arisen through “greening” other established rights, where an environmental perspective applies in respecting, protecting and fulfilling these rights. For instance, the European Court of Human Rights has interpreted

<sup>1</sup> See: <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session48/res-dec-stat>.

<sup>2</sup> See eg. <https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/> and <https://ipbes.net/global-assessment>

<sup>3</sup> See: UNEP, 2020, *Right to a Healthy Environment: Good practices*, p. 12.

the right to life, guaranteed by Article 2 of the European Convention on Human Rights, to include the right to be protected against risk resulting from hazardous industrial activities.<sup>4</sup>

The United Nations General Assembly adopted [resolution 76/300](#) on 28 July 2022. It recognizes the right to a clean, healthy, sustainable environment as a human right, and further notes that this right is important for the enjoyment of other human rights.<sup>2</sup> The resolution reflects agreement on the links between sustainable development, the protection of the environment, including ecosystems, and promotion of human wellbeing and full enjoyment of all human rights for present and future generations.

Several environmental and sustainable development frameworks and agreements – including the 2030 Agenda, the Paris Agreement, the Just Transition Guidelines, the Glasgow Climate Pact, the draft post-2020 global biodiversity framework, the Kunming Declaration, the post-2020 chemicals and waste framework and more – recognize connections between the environment and human rights. They detail how nature and biodiversity loss, climate change and pollution undermine the abilities of all countries to achieve sustainable, people-centered development and human well-being.

**WHAT IS THE RIGHT TO A HEALTHY ENVIRONMENT?  
WHAT DIFFERENCE CAN IT MAKE?**

**Key message: At the core of the right to a healthy environment is a bundle of substantive and procedural rights. They connect protecting nature and preventing climate change and pollution with respecting, protecting and fulfilling human rights. They support coordinated, integrated, non-discriminatory responses to the triple planetary crisis, for healthier people and ecosystems.**

There is not yet a formal, universally agreed definition of the right to a healthy environment. Language and content are still emerging. But the right is generally understood to constitute a combination of substantive and procedural rights guided by key human rights principles, including non-discrimination, participation, accountability, non-regression, precaution and prevention.

Substantive elements include clean air; safe and sufficient water; healthy and sustainably produced food; non-toxic environments where people can live, work, study and play; healthy ecosystems and biodiversity and a safe and stable climate. Procedural elements include access to environmental information, public participation in environmental decision-making and access to justice.<sup>5,6</sup>



<sup>4</sup> European Court of Human Right, Öneriyildiz v. Turkey, Application n° 48939/99, judgement of 30 November 2004.

<sup>5</sup> [Report of the Special Rapporteur](#) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

<sup>6</sup> UN News, 2021, "[The right to a healthy environment: 6 things you need to know.](#)"

[The Special Rapporteur on Human Rights and the Environment](#) has documented how the human right to a healthy environment can improve both the legitimacy and effectiveness of environmental policy, including through<sup>7</sup>:

- Catalysing stronger environmental laws and policies
- Improved implementation and enforcement
- Greater public participation in environmental decision-making
- Reduced environmental injustices
- Stronger accountability for wrongdoing

#### WHOSE RIGHTS ARE MOST AT RISK?

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**Key message: Those who are least culpable for the triple planetary crisis are most at risk from its adverse effects. This raises issues of inequity, inequality and injustice within and between nations and generations; such concerns demand a response.**

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Environmental degradation causes different harms that can compound each other over time and exacerbate and interact with other risks. While almost all individuals and communities around the world experience the impacts of environmental degradation on their human rights, the consequences are most severe for people who are already in vulnerable situations. This raises issues of environmental justice and equity, both within and between nations and across generations. In places affected by environmental harm, natural resources are often unequally distributed, further undermining the rights of people already in vulnerable situations.

#### Impacts on people and groups in vulnerable situations

Those most at-risk from the triple planetary crisis may include women; children and youth; older persons; persons with disabilities; persons living in poverty; ethnic, racial or other marginalized minorities; Indigenous peoples; traditional and local communities; displaced people – either within a country or across borders – refugees and migrants and human rights defenders. These same people and groups possess tremendous resilience and capacity to act as agents of transformative change for people and the planet. Some examples follow.

*Indigenous Peoples* protect, nurture and defend an outsized proportion of the world's remaining biodiversity in their collective lands and territories. Nonetheless, Indigenous peoples are often excluded from environmental decision-making including climate change mitigation and adaptation actions. Many have been stripped of their land rights over centuries. Some face increasing violence in defending their communities against illegal logging, mining and agricultural incursion. Promoting Indigenous peoples' rights includes building on the United Nations Declaration on the Rights of Indigenous Peoples and relevant conventions such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

*Women and girls* are among the people most vulnerable to environmental degradation as they are key providers of food, water and energy. Many lack access to land and other assets and are overrepresented in low-paid, precarious employment in the informal economy and agriculture. Environmental pressures, including those related to work in rural areas, can spur gender-based violence. While the Intergovernmental Panel on Climate Change (IPCC) has confirmed that women are more impacted by environmental degradation than men, particularly in areas with greater dependence on forestry and agricultural livelihoods,<sup>8</sup> it also found that women's empowerment increases adaptation capacity.<sup>9</sup>

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<sup>7</sup> <https://wedocs.unep.org/handle/20.500.11822/32450>

<sup>8</sup> Intergovernmental Panel on Climate Change, 2019, *Desertification in the Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems*, pp. 251, 257.

<sup>9</sup> *Ibid.*, p. 286.

Women, including many Indigenous women, are leading environmental action at all levels, making vital contributions to protecting the environment as managers and defenders of natural resources. Further action is necessary to fully value and ensure their voices, agency and participation in environmental matters, however, including in formal leadership and decision-making.

*Children and young people* have demonstrated their willingness and ability to defend human rights in relation to a healthy environment. Yet in claiming their right to participate in public affairs and other rights that enable this, they face abuses and barriers, such as risks of violence, arrest, child labour and discrimination, including multiple and intersecting forms of it. Through [STEP UPI](#), heads of United Nations entities made a joint commitment to promote the rights of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels of climate action and climate justice.<sup>10</sup>

*Environmental human rights defenders* often face violence, criminal prosecution and even death for standing up for their communities and the environment. This is a particular concern for Indigenous peoples and traditional communities whose livelihoods and cultural rights depend on nature. Women environmental human rights defenders find themselves at the intersection of different systems of oppression, which compounds threats of violence.<sup>11</sup> **According to Global Witness, 227 environmental defenders were killed in 2020, the highest number recorded for a second consecutive year. A 2020 analysis by Frontline Defenders found that 69 per cent of human rights**

**defenders killed were engaged in struggles to defend land, Indigenous rights and environmental rights.**<sup>12</sup>

*Refugees, displaced people and migrants:* The adverse effects and disasters of climate change and environmental degradation impact a broad array of human rights and amplify vulnerability that in turn acts as a driver of human mobility.<sup>13</sup> The 2022 IPCC report highlights that in the mid-to long-term, displacement is likely to increase with the intensification of heavy precipitation and associated flooding, tropical cyclones, drought and, increasingly, sea level rise.<sup>14</sup> Such events have the potential to amplify vulnerabilities and impact a broad array of human rights, including access to education as well as an adequate standard of living and health. While displaced populations are often highly exposed to climate-related shocks, they have fewer resources and support to adapt. Applying existing legal, normative and policy frameworks relevant to specific forms of human mobility can protect people and their human rights. This may occur in conditions of safety and dignity or through well-prepared, timely emergency evacuations; assistance to communities to plan for relocation to safer settlement areas as a measure of last resort; or the facilitation of safe and regular migration as an adaptation option<sup>15</sup> and is a way to prevent human rights risks and displacement. When displacement occurs, some people may be in need of (international) protection. In some circumstances people displaced across borders may be protected as refugees or through complementary forms of protection under international law.<sup>16</sup> International human rights law applies to all people who move internally or across borders in the context of the

<sup>10</sup> United Nations, 2021, [STEP UPI: A joint commitment by heads of United Nations entities](#).

<sup>11</sup> Tran, D. (2021). 'A comparative study of women environmental defenders' anti-violent success strategies'. *Geoforum*, 126, 126-138. <https://doi.org/10.1016/j.geoforum.2021.07.024>

<sup>12</sup> Frontline Defenders, [Global Analysis 2020](#) (2021)

<sup>13</sup> Climate change-related human mobility is understood as encompassing migration, displacement and planned relocation as reflected in GCM Objectives 2 (18 j) and 5 (21 h) and agreed under relevant UNFCCC processes such as the Executive Committee of the Warsaw International Mechanism for Loss and Damage and the Task Force on Displacement recommendations.<sup>7</sup>

<sup>14</sup> See [Climate Change 2022: Impacts, Adaptation and Vulnerability](#). IPCC, 2022

<sup>15</sup> For example, the Global Compact on Migration (GCM) calls for the development of adaptation and resilience strategies to sudden-onset and slow-onset natural disasters and environmental degradation, while recognizing that adaptation in the country of origin is a priority. In the GCM, States also committed to develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations.

<sup>16</sup> See UN High Commissioner for Refugees (UNHCR)'s legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters, 1 October 2020, available at: <https://www.refworld.org/docid/5f75f2734.html>

adverse impact of climate change.<sup>17</sup> In its decision in *Teitiota v. New Zealand*, the Human Rights Committee noted that the effects of climate change may expose individuals to a violation of their right to life or the prohibition of torture or ill treatment, thereby triggering non-refoulement obligations.<sup>18</sup>

### Impacts across borders

Many of the nations least culpable for the triple planetary crisis are the most vulnerable to its consequences and the least prepared to adapt to climate change, environmental degradation and other impacts. **Countries with high vulnerability to climate change and low capacity to adapt are the source of 90 per cent of refugees and host around 70 per cent of internally displaced persons.**<sup>19</sup>

Multilateral environmental agreements such as the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification include the principle of common but differentiated responsibilities, which recognizes that developed countries are primarily responsible for environmental crises and should therefore take the lead in stopping them. This includes providing financial and technological assistance to support environmental protection and effective adaptation to climate change and environmental harms in developing countries.

Human rights duties also require collective efforts to address transboundary and global environmental threats to human rights. According to the United Nations High Commissioner for Human Rights, “Equity in climate action, including through international cooperation, requires that mitigation and adaptation efforts benefit people in small island developing States and other developing countries, Indigenous peoples and others in vulnerable situations.”<sup>20</sup>

<sup>17</sup> [Key Messages HR CC Migration.pdf \(ohchr.org\)](#)

<sup>18</sup> *Ioane Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, UN Human Rights Committee (HRC), 7 January 2020.

<sup>19</sup> UNHCR, 2021, “Displaced on the frontlines of the climate emergency”, storymap based on 2019 data, <https://storymaps.arcgis.com/stories/065d18218b654c798ae9f360a626d903>

<sup>20</sup> Key Messages on Human Rights and Climate Change paragraph 6 [https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/KeyMessages\\_on\\_HR\\_CC.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf)

<sup>21</sup> [E/CN.17/1997/8 Rio Declaration on Environment and Development: application and implementation \(un.org\)](#)

<sup>22</sup> Renan Araújo and Leonie Koessler, 2021, “The Rise of the Constitutional Protection of Future Generations,” Legal Priorities Project Working Paper Series No. 7, 30 September. Examples include Brazil, Germany and Hungary. A landmark 1993 judgment by the Supreme Court of the Philippines recognized future generations as “[legal persons](#)”.

### Impacts across generations

Natural resources can decline over time. Air and water pollution and climate-related disasters such as droughts and floods can emerge and worsen, leaving future generations disproportionately affected by policy decisions made today. The principle of intergenerational equity demands consideration of the potentially irreversible impacts of current decisions on future generations. The Rio Declaration on Environment and Development and other instruments call for fulfilling the right to development to meet equitably the developmental and environmental needs of present and future generations.<sup>21</sup> **The rights of future generations were enshrined, in some form, in 41 per cent of all constitutions worldwide as of 2021.**<sup>22</sup>

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## Innovative mechanisms to safeguard the rights of future generations

The Call to Action for Human Rights highlights that decision-making should consider the rights of future generations. In Our Common Agenda, the Secretary-General tasks the United Nations with reviewing and strengthening its capacity to institutionalize the interests of future generations, including through the appointment of a Special Envoy for Future Generations. Bodies outside the United Nations that safeguard the rights of future generations include the Network of Institutions for Future Generations, involving the governments of Canada, Finland, Hungary, Israel, New Zealand, Norway and Wales.

## HOW CAN THE UNITED NATIONS HELP UPHOLD THE RIGHT TO A HEALTHY ENVIRONMENT?

**Key message: The United Nations already plays a key role in supporting duty-bearers to respect, protect and fulfil the right to a healthy environment. It also helps rights-holders develop capacities to claim their rights and seek redress for wrongs.**

In line with General Assembly resolution 76/300, Human Rights Council resolution 48/13 and a human rights-based approach more generally, the United Nations system entities can help advance the right to a healthy environment by<sup>23</sup>:

- Showing leadership, building coalitions and cultivating political will
- Conducting advocacy and awareness-raising
- Supporting dialogues across stakeholder and interest groups, including the private sector
- Assisting Member States at all levels in establishing legislative and policy frameworks to realize the right to a clean,

healthy and sustainable environment, and to guarantee participation, access to information and access to justice and effective remedies for environment-related matters

- Harmonising and aligning United Nations programming standards, as well as regional and national legal, policy and regulatory frameworks, with internationally recognised human rights standards;
- Supporting institutional capacity to oversee, enforce and implement the right to a healthy environment;
- Supporting the capacities of rights holders (in particular women, youth, Indigenous peoples and other marginalized groups) to claim redress;
- Ensuring that financing for environmental projects is compliant with human rights standards.

### Where can I find more information?

- [UN Special Rapporteur on Human Rights and the Environment including the Framework Principles on Human Rights and the Environment](#) (16 principles to apply human rights obligations in working on the environment).
- [The Secretary-General's Call to Action for Human Rights](#)
- [Call to Action for Human Rights: Rights of Future Generations](#)
- [UN Environment Management Group: Human Rights and Environment](#)
- [The Secretary-General's report, "Our Common Agenda"](#)
- [OHCHR and Climate Change](#)
- [UNEP and Environmental Rights](#)

<sup>23</sup> These and other areas will be discussed further in the Checklist on the RHE (expected to be finalised shortly).