

THE TIME IS NOW!
**Global Call for the UN Human Rights Council to urgently recognise
the Right to a safe, clean, healthy and sustainable environment**

- To Her Excellency, Ms. Elisabeth TICHY-FISSELBERGER, Permanent Representative of Austria to the United Nations Office at Geneva, President of the United Nations Human Rights Council
- To their Excellencies, Permanent Representatives of the Members of the United Nations Human Rights Council
- To their Excellencies, the Permanent Representatives to the United Nations Office at Geneva

Geneva, 10 September 2020

Excellencies,

1. We, civil society organizations, Indigenous Peoples, social movements and local communities signing this letter, are pleased to present to you this call addressed to the Human Rights Council, to recognize without delay the human right of all to a safe, clean, healthy and sustainable environment.

2. **A healthy environment is essential for human life and dignity. The air we breathe, the water we drink, the food we eat and the life-sustaining climate we enjoy, all are dependent on healthy, diverse, integral and functioning ecosystems. In view of the global environmental crisis that currently violates and jeopardizes the human rights of billions of people on our planet, global recognition of this right is a matter of utmost urgency. As we all know, there are no human rights on a dead planet.**

Scientific Evidence of the Environmental Crisis is Undeniable

3. For decades, there has been global scientific consensus on the critical state of the environment and its consequences for human lives and the future of life on Earth. The previous five assessments of the Intergovernmental Panel on Climate Change (IPCC) have provided evidence of the scope of the climate crisis and its most significant threats. The global assessment by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services (IPBES) has observed that “nature across most of the globe has now been significantly altered by multiple human drivers, with the great majority of indicators of ecosystems and biodiversity showing rapid decline”¹ and that “most of nature’s contributions to people are not fully replaceable, and some are irreplaceable.”²

4. Against such trends, the scientific community has identified the kind of actions that need to be implemented and has underscored the urgent need for rapid, far-reaching, and transformative changes. Those actions include replacing fossil fuels with renewable energy, eliminating poverty and reducing inequalities,³ sound management of chemicals that eliminates waste and pollution and fosters sustainability,⁴ and scaling up protection for biodiversity and healthy ecosystems. Importantly, such actions must ensure the protection of the human rights, lands, and livelihoods of Indigenous Peoples and all other communities living sustainably in conservation areas.⁵ “Nature,” as the IPBES reminded us, “can be conserved, restored and used sustainably while other global societal goals are simultaneously met through urgent and concerted efforts fostering transformative change.”⁶

COVID-19 Demonstrates the Urgency

5. The current COVID-19 pandemic, which comes in the wake of increasingly frequent vector borne zoonotic diseases is having devastating impacts on the realization of all human rights across the globe. There is clear evidence of large-scale environmental degradation and human-induced disruption of natural ecosystems being strongly linked to such diseases, more frequently crossing over from animals to humans. To avoid further or worse catastrophes and ensure a just and equitable recovery, and consistent with the call of the UN Secretary General to “build back better,”⁷ States must recognize, respect, protect and fulfil the human right of all to enjoy a safe, clean, healthy and sustainable environment.

Widespread Recognition of the Right to a Healthy Environment

6. **A substantial majority of States have already incorporated a right to a healthy environment in their Constitutions and laws.⁸ Regional systems also explicitly recognize this right and have developed a growing jurisprudence to implement and apply it. More than two years ago, the UN Special Rapporteur on human rights and the environment presented the Framework Principles on Human Rights and the Environment⁹ to the Human Rights Council, illustrating the basis and the widespread acceptance of the right to a healthy environment throughout the world. Such widespread developments demonstrate that the time is ripe for the universal recognition of this right.**

Recognition of this Right is Necessary Now

7. **The historic and urgent moment in which we live requires the UN Human Rights Council to formalize the recognition of the right to a safe, clean, healthy, and sustainable environment without any further delay. The dignity of all persons must be protected both individually and collectively, and both substantively and procedurally, from the natural and human-made degradation of the environment and the impacts of climate change. Human rights must also be ensured as we face new environmental challenges, including systemic risks, irreversible degradations, irreplaceable loss and irreparable damages even when uncertainty remains. Such challenges must be now considered when implementing human rights. The right to a healthy environment ensures the interdependence and indivisibility of human rights and their relevance to environmental realities. Fragmented approaches cannot deliver.**

8. The widespread recognition of the right to a healthy environment reflects ongoing legal developments and acceptance. For example, a regional enforceable instrument recognises this right in both its individual and collective dimensions.¹⁰ Such a plurality of legal developments illustrates how the protection of human rights is evolving and has been strengthened on environmental issues. By describing this right as one to a safe, clean, healthy, and sustainable environment, the UN Human Rights Council will build on these developments and lead towards a common ground among States that will facilitate the exchange of experiences and the clarification of obligations deriving from environmental and human rights law.

9. Human rights and environmental international law share fundamental principles. Both recognize a “do no harm” principle. Both acknowledge the principles of access to information and of public participation in the development and implementation of policies. Both apply the principle of intergenerational equity. Both require protecting the natural resources and ecosystems that present and future generations equally rely upon for the full enjoyment of their human rights and achieving the Sustainable Development Goals. These will all be strengthened by the recognition of a global human right to a healthy environment.

Stronger Environmental Justice, Policies, and Performances

10. By filling this glaring gap in the architecture of international human rights law, the Human Rights Council's recognition of a right to a safe, clean, healthy, and sustainable environment will play a crucial role for the realization of environmental justice for communities exposed to degraded, hazardous or threatening environments. Recognizing this right will create the foundation for strengthening the environmental policies and legislation of States, providing wider support and legitimacy and thus improving their environmental performance. Research has shown¹¹ that the recognition of this right leads to improved environmental outcomes including cleaner air, enhanced access to safe drinking water and healthy and diverse food, and reduced greenhouse gas emissions -- all of which are necessary to guarantee the enjoyment of many human rights. Furthermore as the UN Special Rapporteur on human rights and the environment emphasised, "a safe climate is a vital element of the right to a healthy environment and is absolutely essential to human life and well-being."¹² The recognition of this right by the Human Rights Council will assist in highlighting the urgent need for effective climate action.

A Right Already Recognized for Indigenous Peoples and for Peasants and Other People Working in Rural Areas

11 For many years, Indigenous Peoples throughout the world have called attention to the level of environmental degradation and to the consequences of unsustainable development, from which they have suffered disproportionately and unjustifiably. They have fought for social and economic models that centre the well-being of people and the planet. The UN Human Rights Council, followed by the UN General Assembly, has recognized the special relation of Indigenous Peoples to their land and to their environment, in article 29 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP): "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."¹³

12. For peasants and agricultural workers, the UN Human Rights Council, followed by the UN General Assembly in 2018, also recognized a right to a healthy environment in article 18 of the UN Declaration on the Rights of Peasants (UNDROP): "Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage."¹⁴ Making this right universal will extend it to all people and will not only contribute to reducing the pressure on the ecosystems on which they depend, but will also enhance the ability of Indigenous Peoples, as well as local and rural communities, to identify solutions for environmental recovery and the protection of the integrity of natural ecosystems in line with human rights.¹⁵

Stronger Protection and Empowerment for Particularly Affected Persons

13. The Human Rights Council has clearly acknowledged that gender equality and women and girls' empowerment are important in the safeguarding of the environment, given the role women and girls play as managers of natural resources and agents of change.¹⁶ They commonly face higher risks and greater burdens from environmental degradation and climate change due to pre-existing gender inequalities and intersecting forms of discrimination,¹⁷ and as, among other reasons, a majority of them rely on natural resources for their livelihoods. Women and girls play a critical role in response to environmental challenges and to the climate crisis, notably with their ethics of care, knowledge of sustainable resources, and leadership in sustainable practices. Gender equality and the role of women and girls will be reinforced by the universal recognition of this right.

14. The Human Rights Council has stressed that environmental human rights defenders must be ensured a safe and enabling environment to undertake their work, “in recognition of their important role in supporting States to fulfil their obligations.”¹⁸ The universal recognition of this right will further buttress the legitimacy of their efforts and highlight the key role they play in ensuring that States effectively protect the environment while respecting, protecting, and fulfilling all human rights. It will also urge States to protect child, young, and adult environmental human rights defenders from worryingly high levels of threats and attacks.

15. Children are particularly vulnerable to environmental harm. More than one quarter of deaths among children under the age of five each year – approximately 1.7 of 5.9 million – are attributable to largely-preventable environmental causes. Millions more suffer irreversible and lifelong impacts. The current worldwide child and youth-led mobilization for the environment and against the increasing impacts of the climate crisis is challenging all governments to live up to the commitments they have made and to ensure that younger generations can benefit from a natural environment equivalent to the one that previous generations enjoyed.

16. As recognized by the Human Rights Council,¹⁹ the human rights implications of environmental damages are felt most acutely by those already in vulnerable situations. As more and more persons suffer from environmental degradations, such situations can include children, youth, older persons, women, LGBTQI+, persons with disabilities, Indigenous Peoples and local communities, people of African descent, minorities, peasants, fishers, pastoralists, workers, persons living in poverty, persons in detention, those in occupied territories, migrants, refugees, and displaced persons. The universal recognition of the right to a safe, clean, healthy, and sustainable environment will reinforce the role of people in vulnerable situations as rights holders and as agents of change in environmental matters.

Strengthening International Cooperation

17. International cooperation is crucial for addressing issues of environmental degradation, such as the climate crisis. The universal recognition of the right to a healthy environment will provide the necessary framework to strengthen international cooperation, including encouraging greater technical assistance and capacity-building on environmental matters. It will provide guidance, encourage capacity building and solidify common ground when handling global effects arising from environmental issues. It will also strengthen existing efforts to ensure the accountability of transnational corporations and other business enterprises for environmental harms.

A Right that Must Now Become Universal

18. **As the pre-eminent inter-governmental human rights body, with the mandate to strengthen the promotion and protection of human rights around the globe and to prevent and address human rights violations, the Human Rights Council has a unique responsibility to urgently address and prevent the serious threats to human rights posed by environmental degradation. Therefore, consistent with the Council's vital role in normative development, we urge all States to support the swift passage of resolutions at the Human Rights Council recognizing that we all have the right to a safe, clean, healthy, and sustainable environment.**

- ¹ IPBES (2019): **Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services**. S. Díaz, J. Settele, E. S. Brondízio E.S., H. T. Ngo, M. Guèze, J. Agard, A. Arneeth, P. Balvanera, K. A. Brauman, S. H. M. Butchart, K. M. A. Chan, L. A. Garibaldi, K. Ichii, J. Liu, S. M. Subramanian, G. F. Midgley, P. Miloslavich, Z. Molnár, D. Obura, A. Pfaff, S. Polasky, A. Purvis, J. Razzaque, B. Reyers, R. Roy Chowdhury, Y. J. Shin, I. J. Visseren-Hamakers, K. J. Willis, and C. N. Zayas (eds.). IPBES secretariat, Bonn, Germany, page 11, A4.
- ² Idem, page 10, A1.
- ³ Roy, J., P. Tschakert, H. Waisman, S. Abdul Halim, P. Antwi-Agyei, P. Dasgupta, B. Hayward, M. Kanninen, D. Liverman, C. Okereke, P.F. Pinho, K. Riahi, and A.G. Suarez Rodriguez (2018) **Sustainable Development, Poverty Eradication and Reducing Inequalities**. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.).
- ⁴ United Nations Environment Programme (2019) **Global Chemicals Outlook II, From Legacies to Innovative Solutions: Implementing the 2030 Agenda for Sustainable Development**; B. Tuncak, UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (2017) **Guidelines for good practices in relation to the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes**, 20 July 2017, Geneva, A/HRC/36/41; United Nations Environment Programme (2013) **Global Chemicals Outlook - Towards Sound Management of Chemicals**.
- ⁵ IPBES (2019): **Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services**. E. S. Brondízio, J. Settele, S. Díaz, and H. T. Ngo (editors). IPBES secretariat, Bonn, Germany: Chapters 2 & 3.
- ⁶ IPBES (2019): **Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services**: page 16, D.
- ⁷ On 22 May 2020, UN Secretary-General António Guterres declared: “As we seek to build back better from the current crisis, let us work together to preserve biodiversity so we can achieve our Sustainable Development Goals. That is how we will protect health and well-being for generations to come.” Building Back Better (BBB) is an approach to post-disaster recovery aimed at increasing the resilience of nations and communities to future disasters and shocks. First defined in the UN Sendai Framework for Disaster Risk Reduction, then agreed at the Third UN World Conference on Disaster Risk Reduction, 14–18 March 2015 in Sendai, Japan and adopted by the UN General Assembly on 3 June 2015, New York.
- ⁸ D. Boyd, UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2019) **Right to a healthy environment: good practices**, Report to the Human Rights Council, 30 December 2019, Geneva, A/HRC/43/53 par. 11, 12, 13.
- ⁹ J. Knox, UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2018) **Framework principles on human rights and the environment**, Report to the Human Rights Council, 24 January 2018, Geneva A/HRC/37/59.
- ¹⁰ Inter-American Court of Human Rights (2017) **The Environment and Human Rights** (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights). Advisory Opinion OC-23/17 of November 15, 2017. Series A No. 23.
- ¹¹ D. Boyd, (2020) **Good practices of States at the national and regional levels with regard to human rights obligations relating to the environment**, Report to the Human Rights Council, 23 January 2020, Geneva, A/HRC/43/54.
- ¹² D. Boyd, (2019) **Safe Climate Report**, Report to the UN General Assembly, 15 July 2019, Geneva, A/74/161.
- ¹³ United Nations General Assembly (2007) **United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP)**, Resolution adopted by the General Assembly on 13 September 2007, New York, A/RES/61/295: Article 29.
- ¹⁴ United Nations General Assembly (2018) **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)**, Resolution adopted by the General Assembly on 17 December 2018, New York, A/RES/73/165: Article 18.
- ¹⁵ P. McElwee, Á. Fernández-Llamazares, Y. Aumeeruddy-Thomas, D. Babai, P. Bates, K. Galvin, M. Guèze, J. Liu, Z. Molnár, H. T. Ngo, V. Reyes-García, R. Roy Chowdhury, A. Samakov, U. Babu Shrestha, S. Díaz, E. S. Brondízio. **Working with Indigenous and local knowledge (ILK) in large-scale ecological assessments: Reviewing the experience of the IPBES Global Assessment**. *Journal of Applied Ecology*, 2020.
- ¹⁶ United Nations Human Rights Council (2019) **Resolution 40/11. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development**, 2 April 2019, Geneva, A/HRC/RES/40/11.
- ¹⁷ Committee on the Elimination of Discrimination Against Women – CEDAW (2018) **General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change**, Geneva, CEDAW/C/GC/37.
- ¹⁸ United Nations Human Rights Council (2019) **Resolution 40/11. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development**, 2 April 2019, Geneva, A/HRC/RES/40/11.
- ¹⁹ Idem.