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February 2020

Dear friends and colleagues

It's still hard to believe that we are in the year 2020. As evidence mounts regarding the severity of the global environmental crisis, we must focus our efforts on the transformative changes that scientists have identified as essential and urgent to avoid climate chaos, ecological catastrophe and human rights violations on a vast and unprecedented scale.

Of course, human rights have a long history as catalysts for transformative change. The abolitionists championed equality and freedom to end slavery. They overcame the exaggerated predictions of economic collapse made by the wealthy elites of the era who had built their empires on the backs of slave labour. The suffragettes harnessed the power of rights to advance the standing of women, resulting in remarkable progress over the past century. The civil rights movement used human rights to tackle pervasive racial discrimination. Indigenous peoples are making great strides today, having secured the UN Declaration on the Rights of Indigenous Peoples after decades of struggle.

We are hoping that this will be the year that the United Nations finally recognizes that everyone has the right to live in a safe, clean, healthy and sustainable environment. A number of States are working hard to [generate the support](#) needed to successfully secure a resolution. It has been 48 years since the right to a healthy environment was first articulated in the Stockholm Declaration.

UN States that recognize a legal right to a healthy environment



States in grey recognize the right to a healthy environment in their constitutions, legislation, as parties to a regional treaty, or a combination of these instruments.

Forty-four years since Portugal was the first State to include this right in its constitution. Today, over 80 percent of UN States (156 out of 193) recognize this right in their constitution, legislation, or through ratification of a regional treaty. It is time for the right to a healthy environment to go global, to join the library of universally acknowledged human rights.

Reports

On 2 March 2020, we will hold our annual interactive dialogue with the Human Rights Council in Geneva. We submitted four reports, including [a thematic report on good practices](#) related to the recognition



and implementation of the right to a safe, clean, healthy and sustainable environment, reports on country visits to [Fiji and Norway](#), and a [summary](#) of the expert meeting held last June. There were so many good practices reported to us that we had to put several hundred of them in an [additional Annex](#). Our good practices report also includes a series of regional annexes detailing the legal provisions of national constitutions and laws that recognize the right to a healthy environment. Our thanks to the Cyrus R. Vance Center for International Justice, a consortium of law firms led by Clifford Chance and White & Case and in particular, Susan Kath, Sam Bookman, Nathalya Desterro, Janet Whittaker, Carla Lewis and David Boyd (not related to the Special Rapporteur!).

Upcoming Consultations

We will be hosting a series of online consultations on the subject of biodiversity and human rights in early April. We welcome your participation, and encourage you to forward this information to other people who may be interested. We are planning to present a report on this topic to the General Assembly in the fall of 2020, as part of our series of reports on the substantive elements of the right to a safe, clean, healthy and sustainable environment (which has already featured clean air and a safe climate).

April 6 at 9 a.m. Pacific Standard Time

April 6 at 1 p.m. Pacific Standard Time

April 7 at 5 p.m. Pacific Standard Time

April 7 at 9 p.m. Pacific Standard Time

Please contact srenvironment@ohchr.org to sign up for one of the virtual consultations, and we will provide additional information prior to the event.

Events



In December, we attended the 25th Conference of the Parties to the UN Framework Convention on Climate Change in Madrid. It was a whirlwind experience, and Spain deserves huge credit for stepping into the breach when Chile withdrew from hosting the event. Spain managed to do an excellent job of organizing this huge event, although the last-minute relocation prevented many civil society representatives from attending (particularly Latin American representatives).



The outcome of COP 25 was deeply disappointing, as no progress was made towards the kinds of transformative changes that the Intergovernmental Panel on Climate Change, youth activists, Indigenous peoples and others have called for in recent months.

On a brighter note, we participated in many excellent side events and had useful meetings with States, colleagues, and civil society organizations from all over the world. UNICEF introduced a powerful [Declaration on Climate Change and the Rights of Children](#), which called on all States to recognize children's right to live in a healthy and sustainable environment. Among the other highlights were

- providing closing remarks for a panel with five youth climate activists and five Environment Ministers;
- moderating a panel with youth climate activists from the Philippines, Chile, Spain, Norway, and Ghana;
- a panel on rights-based climate action organized by the Center for International Environmental Law
- a panel on climate change, health, and human rights organized by the World Health Organization
- a panel on climate change, human rights, and work.



Meeting the Queen of Spain at COP25!

Video messages and webinars

As a means of reducing my carbon footprint, I continue to provide webinars and short video messages for a wide range of events. A few recent examples include:

- a series of five webinars with representatives of national human rights institutions from around the world to discuss their work in addressing and preventing human rights violations caused by environmental degradation (November 2019);
- a webinar at a meeting of German organizations working on human rights and the environment (January 2020);
- a video message for an expert seminar in Geneva on the need for a UN resolution recognizing the right to a safe, clean, healthy and sustainable environment, convened by the Council core group on human rights and

- the environment (made up of Costa Rica, Maldives, Morocco, Slovenia and Switzerland), with the support of the Universal Rights Group (URG), the Commonwealth Small States Office in Geneva, the Geneva Academy, UNICEF, UNEP, and OHCHR (6 February 2020);
- a session to be hosted by the Working Group of Experts on People of African Descent later this spring which will focus on Environmental Racism, the Climate Crisis and People of African Descent;
 - a video message for the Organization for Islamic Cooperation's Independent Permanent Human Rights Commission's thematic debate on Climate Change and Environmental Protection: A Human Rights Perspective (26 November 2019);
 - a video message for an intersessional dialogue on realizing the rights of the child through a healthy environment (February 2020); and
 - a video message celebrating the tenth anniversary of the UN General Assembly and Human Rights Council resolutions recognizing the rights to water and sanitation (February 2020).

Friend of the Court

Participating in potentially precedent-setting litigation provides the mandate with opportunities to assist courts in clarifying the content of the right to a healthy environment and the parameters of State's obligations to respect, protect, and fulfill this right. We are collaborating with the former mandate holder, Professor John Knox, to submit expert statements in two climate change cases recently filed with UN treaty bodies. The Torres Strait Islanders submitted a communication to the Human Rights Committee alleging that Australia has violated their rights to life, culture, and freedom from arbitrary interference with privacy, family and home (under the International Covenant on Civil and Political Rights). A group of fifteen children and youth, including Greta Thunberg, submitted a communication to the Committee on the Rights of the Child, asserting violations of their rights to health, life, and culture under the Convention on the Rights of the Child.

Our application to be admitted as an *amicus curiae* (friend of the court) in an important human rights lawsuit in South Africa will be heard in June. The applicants in the lawsuit, Groundworks Trust and Vukani Environmental Justice Alliance, are asserting that the government's longstanding failure to improve air quality in the heavily polluted Highveld region violates the right to a healthy environment, guaranteed by Art. 24 of South Africa's post-apartheid constitution. We are deeply grateful to South Africa's Lawyers for Human Rights for their pro bono legal assistance in this case.

We have also been asked by Greenpeace to consider filing an amicus brief in their case asserting that Norway's decision to open a new area of the Arctic Ocean to oil and gas exploration violates the right to a healthy environment contained in Article 112 of the Norwegian Constitution. Although Greenpeace was not successful at the Court of Appeal, they are planning to go to the Supreme Court of Norway.

Country Visits

An update will be provided in the next newsletter. Stay tuned

Communications

We invite communications that allege violations of human rights related to environmental damage, degradation, hazards, or the fundamental rights of environmental and activists. We do our best to confirm the facts, identify the relevant principles and obligations of international human rights law, and ask States, and in some cases businesses, to respond to the allegations. Often a group of special procedures will coordinate a joint communication. In some cases, pressure from the UN can result in positive changes, protecting both human rights and the environment.

Recent communications that the environment mandate has joined include: Côte d'Ivoire, Australia and Burkina Faso. Additional information regarding submitting information is available [on the mandate's website](#).

Conclusion

2020 is going to be a busy year. A tremendous amount of effort is being made to develop the post-2020 action plan for biodiversity, for adoption at the October meeting of the Conference of the Parties to the Convention on Biodiversity. Also upcoming are the 2nd World Environmental Law Congress, 3rd General Assembly of the Global Judicial Institute on the Environment, and 2nd OAS Inter-American Colloquium on the Environmental Rule of Law (all in March, in Rio de Janeiro). We are planning to attend the World Conservation Congress (June, in Marseille).

We continue to invite ideas, suggestions, and feedback on the mandate! You can reach us through the official UN email address srenvironment@ohchr.org



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