



**“The Future of Human Rights, the Environment and Climate:  
*Advancing the right to a healthy environment, including a safe and stable climate, for all*”**

**Roundtable 4, Human Rights 75 High-level Event  
12 December 2023, 3:00pm to 5:00 pm CET**

**Additional background document**

**A. Background**

All people have the right to a clean, healthy and sustainable environment. Yet, our environment is constantly being polluted, degraded and exploited beyond its capacity for renewal. We are living in a dystopia of our own making which, without urgent and decisive action, will get much worse.

We will find ourselves in a world where waters swallow coastal communities and entire Island nations whole. Where glaciers melt away, irreversibly damaging alpine and aquatic ecosystems dependent on them and vast swathes of forest and farmland become desert. Untold millions are compelled to move within and across borders under precarious and unsafe conditions as they seek to meet their basic needs. Conflicts over resources multiply and intensify. Meanwhile, sacrifice zones, areas of concentrated waste and pollution where human health and wellbeing is impossible, proliferate and perpetuate environmental injustice for racialized communities, women and girls, among others. Babies are born pre-polluted. All life on the planet is threatened.

Many of those who stand up and push back, who demand change, are silenced or fall into despair, even as insufficient action is taken to save the planet and decrease carbon emissions, relying instead on the hope of new technologies. Companies pollute with impunity and prioritize profits over people and planet, including by stoking the fires of disinformation. The instrumentalization, alienation and commodification of nature continue unabated, often at the expense of those most dependent on it, including, in many cases, Indigenous Peoples.

This reality is not a distant one. But we can change it. In a future where human rights and environmental commitments are honoured, people and nations come together to respond, recognizing that the Earth is the only home humanity will ever have. Some of this change is already happening today. These changes, including improvements in air quality, increased access to water and sanitation, enhanced protection of critical ecosystems, a shift toward renewable energy including wind and solar, and the elimination of some toxic chemicals, can be a beacon of hope demonstrating that the necessary shift towards environmental sustainability is still possible.

In a future where human rights and environmental commitments are honoured, corals die, glaciers recede, sea levels rise but not as much. Air quality improves and hazy skies turn clear. Toxic substances are phased out and eliminated. Many endangered species and ecosystems recover. Around the world, those most affected by environmental harm can



access the resources they need to be part of the solution. Measures are put in place to acknowledge, stop and remedy the racialized and gendered impacts of environmental crises.

Governments and businesses invest in science, education and training with respect for the environment at its core. The voices of those affected by environmental crises are heard by decision-makers, their demands for justice are heeded and their rights are respected, protected and fulfilled. While their resiliency is tried and often sorely tested, people and nature have time to adapt. Successful environmental action, including climate change mitigation, adaptation and measures to address loss and damage, allow more people freedom to choose to stay home in habitable and humane conditions, and provide durable pathways for the safe migration of those compelled to move due to climate change impacts and environmental harms. Businesses are required to integrate environmental and social responsibility into their fiduciary duty. Those responsible for causing the triple planetary crisis pay for the monumental efforts needed to prevent and minimize its worst impacts.

There is hope that much of what was lost can one-day be reclaimed. Humanity's relationship with nature can be transformed. This future is possible with human rights as the catalyst for change.

## **B. The human right to a clean, healthy and sustainable environment is a roadmap for transformative change.**

Human rights, including the right to a clean, healthy, and sustainable environment, offer a roadmap for preventing and remediating the harms caused by the triple planetary crisis. The right to a healthy environment is a guarantee to all people of the planet we need, with clean air and water, adequate and nutritious food, non-toxic environments in which to live work and play, a safe and stable climate and healthy ecosystems and biodiversity. Sustaining this right requires participation, access to information and access to justice in environmental matters, the protection of environmental human rights defenders and education with respect for nature. It is deeply interlinked with other rights, including cultural rights and gender equality and belongs to both present and future generations. The Human Rights Council's recognition of the right, followed by that of the General Assembly highlights the international commitment to advance the right to a healthy environment in response to the triple planetary crisis. This commitment has been reaffirmed by references to the right to a healthy environment in the work of human rights treaty bodies (see e.g. CRC/C/GC/26), the Kunming-Montreal Global Biodiversity Framework, the outcome of UNFCCC COP27, and the Bonn Declaration for Global Sustainable Management of Chemicals and Waste.

## **C. The action we need.**

Urgent action is needed to address obstacles to the effective realization of the right to a clean, healthy and sustainable environment in the context of the triple planetary crisis of climate change, biodiversity loss and pollution. If we take the following actions to advance the right to a healthy environment now, we can help protect and fulfill all human rights and achieve truly sustainable development.

➤ **The right to a healthy environment must be embedded in national and international laws and instruments.**

Implementing the right to a clean, healthy and sustainable environment depends on making it actionable in our laws and societies. States can take steps domestically and internationally to advance the right to a clean, healthy and sustainable environment through effective laws, policies, and programmes, including through ratification of existing instruments (like Escazu and Aarhus) and negotiation of new ones.

The ongoing discussion on potential new instruments on human rights and the environment in the Council of Europe and ASEAN is welcome. Through its resolutions, the Human Rights Council could also take further action to address the triple planetary crisis, for example by better resourcing the work of its human rights experts or strengthening work to support implementation and normative advancement of the right to a healthy environment at the regional and country level.

➤ **People must be empowered.**

The meaningful and informed participation of all people in environmental decision-making that affects them is not only their right, it is essential to reaching the informed and effective outcomes we need. Gender equality and the empowerment of people in vulnerable situations, including children, are imperative to effective environmental action. People with diverse experiences bring important knowledge and solutions to addressing environmental degradation. Human rights provide a normative framework and related methodologies to ensure that affected communities, leading scientists, and other voices are being heard.

More specifically, the Summit of the Future next year offers a critical opportunity to recognize the rights of future generations including to a clean, healthy and sustainable environment through its Declaration and the establishment of a new Envoy for future generations. To take on this mammoth task, the Envoy would need to be properly resourced, and empowered to advance the rights of future generations including to a clean, healthy and sustainable environment. Other concrete actions that could be considered include (a) ensuring robust and consistent minimum standards for participation, inclusion, and safety across environmental decision-making processes in nationally, regionally and globally including within the United Nations (b) supporting litigation to advance the right to a healthy environment and (c) taking action to protect and empower environmental human rights defenders.

➤ **Accountability for environmental harms must be ensured**

For far too long, the true costs of environmental harms have been obscured. Those responsible for environmental damage have often profited from their actions, rather than being held accountable for the harms done. Those affected often lack the resources and information to seek justice, and those that do take action often face intimidation or violence. Justice systems are ill-equipped to address collective harms against multiple people perpetrated by multiple actors with varying degrees of responsibility over long time-frames across multiple jurisdictions. Environmental harms should be accounted for, memorialized, and remedied, with systems in place to prevent their repetition. Human rights can guide

States as they undertake institutional reforms to enhance accountability for environmental harms, including by providing helpful parameters for their remediation.

A global commission of inquiry into environmental degradation, its causes, its human rights impacts, and the actors responsible, with the mandate, expertise, resources and moral authority to move States to act on its recommendations and advance accountability for environmental harms could make an important contribution to ending impunity for environmental degradation. Such a commission could serve as an important first step towards applying the pillars of transitional justice (truth, justice, reparation, memorialization and guarantees of non-recurrence) to efforts to address environmental crises and end impunity.

➤ **Economic and business models must be guided by the right to a healthy environment.**

The protection and fulfilment of the right to a healthy environment requires a massive scaling up of resources (financial and otherwise) – both public and private – to address the impact of the triple planetary crisis. Human rights can support efforts to scale-up resources and help ensure they are deployed in a fair manner guided by principles of equity, common but differentiated responsibilities and polluter pays. A human rights-based approach to budgeting can help ensure that both domestic and international funds prioritize the human rights of people, communities and countries that are disproportionately affected by environmental crises for instance by employing a disability inclusive, gender-responsive, intersectional approach. Human rights also provide a framework to take into consideration historical imbalances and systemic inequalities in accessing financial resources.

Effective, rights-based regulation can help put a stop to environmentally destructive activities and ensure their true costs are borne by those undertaking them. A human rights economy approach can provide the guardrails for action ensuring robust policy frameworks for a just transition and concrete guidance on how to replace economic and industrial growth as societal goals with achieving human health and wellbeing in harmony with nature. This includes: (a) reconceptualizing fiduciary duty with rule of law and human rights, including the right to a healthy environment, at its centre; (b) making human rights due diligence, including the human right to a healthy environment, mandatory; (c) ensuring enhanced transparency to inform consumer decisions and expose undue corporate influence; and (d) ending environmentally harmful subsidies now. Taken together these measures can help reimagine the role of and responsibilities of business, in line with the Guiding Principles on Business and Human Rights.

#### **D. Resources**

- What is the Right to a Healthy Environment? [[English](#)] [[Español](#)]
- [Key Messages on human rights and climate change](#)
- Key Messages on human rights, climate change and business [[العربية](#)] [[中文](#)] [[English](#)] [[Français](#)] [[Русский](#)] [[Español](#)]
- Key Messages on human rights, climate change and migration [[العربية](#)] [[中文](#)] [[English](#)] [[Français](#)] [[Русский](#)] [[Español](#)]



- Key Messages on human rights and biodiversity [[العربية](#)] [[中文](#)] [[English](#)] [[Français](#)] [[Русский](#)] [[Español](#)]
- Key Messages on human rights and hazardous substances [[العربية](#)] [[中文](#)] [[English](#)] [[Français](#)] [[Русский](#)] [[Español](#)]
- Key Messages on human rights, the environment, and gender equality [[العربية](#)] [[English](#)] [[Français](#)] [[Español](#)]
- [Framework principles on human rights and the environment](#)