

HUMAN RIGHTS AND THE ENVIRONMENT

Excerpt from the
UNDG Guidance Note on
Human Rights for Resident
Coordinators and UN Country
Teams

2017



UNITED
NATIONS
DEVELOPMENT
GROUP

Human Rights and the Environment*

Key Messages about human rights and the environment

- The human rights framework provides an unassailable moral and legal justification for immediate and urgent action to protect the environment for the benefit of all persons. Environmental sustainability and the promotion, protection and fulfilment of human rights are complementary objectives at the core of sustainable development. Ecosystems and the services they provide directly contribute to the full enjoyment of human rights. States have clear human rights obligations to prevent the adverse impacts of environmental degradation on the enjoyment of human rights and to protect environmental human rights defenders. Additionally, businesses have a responsibility to respect human rights, do no harm, and exercise due diligence in carrying out their activities. In the event that environmental and human rights harms occur, both States and businesses have obligations to ensure access to effective remedies.
- A significant number of court cases, national constitutions and legislation, and international instruments have acknowledged the close linkages between environmental and human rights law. This has, for example, included laws, policies and jurisprudence related to the environmental aspects of indigenous peoples' rights to culture, livelihoods, and traditional lands, territories and resources. Environmental law has also dealt with protection of collective intellectual property rights, through principles of benefit sharing, i.e. in the context of genetic resources. The UN has played a crucial role in both catalysing and consolidating the recognition of the human rights environment nexus. However, States have yet to universally recognise a right to a healthy environment or define its content and correlative obligations.
- International human rights mechanisms have addressed environmental aspects of a number of human rights including the rights to life, religion, and property, health, water, food, and culture. On occasion, they have addressed the right to a healthy environment directly but mainly they have focused on the environmental dimensions of more established rights.
- Regardless, it is clear that efforts to promote environmental sustainability can only be effective if they occur in the context of enabling legal frameworks that guarantee human rights such as the rights to information, participation and access to justice. Addressing trans-boundary environmental issues such as climate change, biodiversity loss, pollution, and ecosystem management, requires an internationally coordinated response based on common human rights and environmental principles such as solidarity, accountability, transparency, equity, and justice.

Relevant international standards

- Several multilateral environmental agreements (MEAs) recognise the linkages between human rights and the environment.[\[1\]](#)
- Core human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of the Child, include important provisions related to human rights and the environment.
- Decisions of regional human rights bodies, including the Inter-American Commission and Court of Human Rights, the African Commission on Human and Peoples' Rights and the European Court of Human Rights, have recognised these linkages.
- The linkages between human rights and the environment have been addressed by global bodies, such as the Human Rights Council, the International Court of Justice, and the World Bank Inspection Panel. For example, the last Human Rights Council resolution on climate change states that “human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes”. The most recent HRC resolution on human rights and the environment

encourages States “to consider further, among other aspects, respect for and promotion of human rights within the framework of the UNFCCC,” calls for them “to respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges” and recognizes that “environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights”

- The 2030 Agenda for Sustainable Development explicitly recognises the links between human rights, development and the environment, including biological diversity and climate. The interrelation between environmental sustainability and the different Sustainable Development Goals is based on reducing environmental damage but also on preserving the role of natural resources and ecosystem services in promoting human wellbeing, economic opportunities, and social and ecological resilience.
- The health of ecosystems, bio-diversity, pollution in all of its forms and climate change are increasingly being recognised as the grave threats to human health, dignity and well-being that they are. For instance, the 2015 Paris Agreement recognises climate change as a common threat to all people and explicitly calls for States to respect, promote and consider human rights when taking climate action.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The Resident Coordinator and UN Country Team should raise awareness of the linkages between human rights and the environment among government officials, policy makers, National Human Rights Institutions, indigenous peoples and the public at large, for instance through training activities and national campaigns of education on human rights and the environment.
- They should promote access to information, public participation and access to justice in environmental decision making, including through the provision of technical and financial support, to ensure the accountability of governments, the private sector and environmental or human rights organisations with regard to the impact of their activities on the environment and human rights.
- They should support stronger cross-sectoral links at national level, which could further efforts toward sustainable development, by providing a framework to integrate human rights, social development, economic development, and environmental protection.
- The Resident Coordinator and UN Country Team should assist States to implement the provisions of relevant MEAs, to fulfil international human rights commitments, and to develop and adopt environmental policies, laws and regulations that will prevent negative impacts on the enjoyment of human rights while preserving the environment for this and future generations.^[2]
- UN Country Teams should increase their engagement with the human rights mechanisms. To do this, they should draw on thematic expertise through the HRWG and take advantage of the convening role of the human rights mechanisms to help Country Teams to work together as one UN, and build capacity to address the human rights / environment nexus. They should also be prepared to support country and civil society reporting to the human rights treaty-bodies, the universal periodic review of the Human Rights Council and the United Nations Framework Convention on the Climate Change on issues related to human rights and the environment. To this, UN Country Teams and Resident Coordinators should undertake efforts to document instances in which environmental degradation and climate change are impacting the fulfilment of human rights, including the right to development. They should also help monitor human rights impacts of development projects in order to assess whether these projects are benefiting people, particularly those most vulnerable to environmental and other harms.

Support and tools available from the United Nations system

- [UN Environment and OHCHR Joint Report on Human Rights and the Environment: Rio+20](#) (2012);
- [UN Environment Compendium on Human Rights and the Environment](#) (2014);
- [UN Environment Report on Climate Change and Human Rights](#) (2015);

- [UN Environment Compendium of Good Practices on Human Rights and the Environment](#) (2016);
- [UN Environment website on Human Rights and the Environment](#);
- [OHCHR website on human rights and climate change](#);
- [OHCHR Website](#) – Special Rapporteur John Knox.

[1] These include the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, the UN Economic Commission for Europe Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, the Ramsar Convention on wetlands, UN Convention on the Law of the Sea, the Convention on the International Trade in Endangered Species and many others.

[2] For example, the Resident Coordinator and UN Country Team can support the adoption of measures, such as planning or land use laws and environmental impact assessment or risk assessment procedures, which commit to integrating human rights considerations in the design, prior approval and implementation of all projects, programmes, and activities, whether undertaken by State or non-state actors.

** This two-pager was developed by UNEP and OHCHR based on the “Frontier Dialogues” on emerging human rights issues launched in 2016 by the former UNDG Human Rights Working Group with members taking the lead on specific issues. These messages were approved by the UNDG and have been incorporated into the UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams.*