



GLION HUMAN RIGHTS DIALOGUE

Glion Human Rights Dialogue 2022 (Glion VIII)

The right to a clean, healthy, and sustainable environment - what does it mean for States, for rights-holders and for nature?

Background paper for break-out group III:

'What are the implications of UN recognition of the right to a clean, healthy, and sustainable environment, both nationally and internationally?'

On 8 October 2021, the Human Rights Council adopted resolution 48/13 on 'The human right to a clean, healthy and sustainable environment' by registered vote, with 43 in favour and 4 abstentions. With resolution 48/13, which was co-sponsored by 78 UN member States, the Council:

Recognize[d] the right to a clean, healthy, and sustainable environment as a human right that is important for the enjoyment of human rights.

The resolution also 'invite[d] the General Assembly to consider the matter.'

According to proponents, recognition by the Human Rights Council of the right to a clean, healthy, and sustainable environment will help better protect individuals from the impacts of environmental degradation and will empower rights-holders by allowing them to assert this right to press for improved national environmental laws and policies, and (especially in the case of environmental human rights defenders) to campaign against unsustainable (i.e., environmentally or socially harmful) economic policies and projects. Proponents also expect recognition of the right to a healthy environment to catalyse and act as a compass for further developments at national, regional, and international levels.

All of this will require concerted action by a range of stakeholders at national, regional, and international levels. National and international civil society actors, as well as NHRIs, could play an important role in the implementation and interpretation of the right by helping environmental human rights defenders understand this new right and how they can assert it at the national level to better protect themselves, their communities, and their environment/climate. Where the right is recognised, national judiciaries have a key role to play in interpreting and applying it.

In all of this, governments, parliaments, judges and lawyers, domestic civil society and EHRDs might be assisted by UN Country Teams – in line with the Secretary-General’s Call to Action and Our Common Agenda - working with national stakeholders to support the implementation of relevant recommendations from the human rights mechanisms. Those mechanisms, including Treaty Bodies and Special Procedures, may also play a normative role, especially in clarifying the scope and content of the right, and the corresponding duties of States.

Regional human rights mechanisms and courts can also play an important role in ensuring that UN recognition serves, in the word of the High Commissioner for Human Rights, as ‘a springboard to push for transformative economic, social, and environmental policies that will protect people and nature.’ The right to a healthy environment is already recognised in the 1981 African Charter on Human and Peoples’ Rights, the 2004 Arab Charter of Human Rights, the 1998 Protocol of San Salvador to the American Convention on Human Rights, and the 2018 Escazú Agreement. Inspired by resolution 48/13, the Parliamentary Assembly of the Council of Europe has now recommended the Committee of Ministers to adopt an optional protocol to the European Convention on Human Rights on the right to a clean, healthy, and sustainable environment.

The private sector will also have an important role to play if UN recognition of the right to a healthy environment is to have real meaning for rights-holders around the world, and lead to improved environmental outcomes.

Key questions for discussion

1. What does UN recognition of the right to a clean, healthy, and sustainable environment mean for governments and parliaments at the national level, and what approaches might they take to realise this right in a way that empowers and better protects rights-holders, and leads to improved environmental outcomes?
2. What are the implications of UN recognition of the right to a healthy environment for judges and lawyers at the national level?



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3. What is the role of national civil society and NHRIs in encouraging States to recognise the right to a healthy environment, and then in leveraging recognition to empower and protect rights-holders, and secure improved environmental outcomes?
4. What steps can Treaty Bodies and Special Procedures take to help clarify the scope and content of the right to a healthy environment, and then promote the implementation of this right at the national level?
5. How can reviewing State delegations at the Human Rights Council leverage the UPR mechanism to better promote and protect human rights in the context of environmental protection and climate change, including by delivering recommendations on the right to a healthy environment?
6. What does UN recognition of the right to a healthy environment mean for regional human rights mechanisms and courts?
7. What role can and should business corporations play in realising the universal right to a healthy environment?