

# Our Right to a Healthy Environment

## How it can empower us



### 01 What is the right to a clean, healthy, and sustainable environment (R2He)?

The right to a clean, healthy, and sustainable environment is a human right, recognized by the United Nations.

The right was recognized in July 2022 by the United Nations General Assembly (UNGA), the highest level of the UN. This came after the passage of a resolution recognizing the same right in the United Nations Human Rights Council in October 2021. These resolutions passed after years of advocacy by civil society, activists, and advocates.

### 02 What does this right entail?

The right to a healthy environment has both procedural and substantive elements.

Procedural elements involve access to processes such as access to information, access to justice, and public participation.

In the context of the right to a healthy environment, access to information could involve environmental education; access to justice could involve the ability to freely seek redress without fear of persecution when environmentally harmed by a company or State; public participation could involve meaningful consultations with local communities before a potentially harmful environmental decision is made.

Substantive elements involve the material outcomes related to the right to a healthy environment. This includes but is not limited to access to clean air and water, a safe climate, the protection of biodiversity and ecosystems, and the protection against toxic pollution.

Understanding the different elements of the human right to a clean, healthy, and sustainable environment empowers us to advocate for our rights, participate in decision-making, and hold our governments accountable.



## What is the Human Rights Council?

The United Nations Human Rights Council was created in 2006 with the mission to promote and protect human rights internationally. Since 2006, the Human Rights Council has met three times a year. It is made up of 47 Member States, elected by the UN General Assembly, and rotates every three years.

There are three special procedures focused on the environment: the Special Rapporteur on the right to a clean, healthy and sustainable environment, and the Special Rapporteur on climate change and human rights and the Special Rapporteur on toxics and human rights. Special rapporteurs are independent experts who research, report, and advise on human rights in both thematic and country-specific reports.



The Special Rapporteur on the human right to a healthy environment was previously known as the Special Rapporteur on human rights and the environment, but the title was changed in April 2024 to recognize this new human right.

## 03 Do I have a right to a healthy environment?

Yes! Human rights are universal.

In fact, we are celebrating just over 75 years of the Universal Declaration of Human Rights, which was adopted by the UNGA in 1948. The Universal Declaration of Human Rights is the foundation of international human rights law and affirms that all human beings are born free and equal. States have the obligation to uphold and protect these rights.

## 04 How has this right made a difference?

The right to a healthy environment provides a universal standard that States have an obligation to uphold. This allows advocates—whether working on an international, regional, national, or local level—to hold their decision makers accountable to the substantive and procedural elements of the right to a healthy environment.

The right to a healthy environment helps strengthen environmental legal frameworks. Currently, 85% of UN Member States recognize a right to a healthy environment in either constitutions, legislation, or regional treaties. However, the recognition of this right does not guarantee implementation. Having the right to a healthy environment recognized as a human right at the highest level of the United Nations empowers us to advocate our governments to fulfill their legal responsibilities.

### R2He at Work

In 2020, the Inter-American Court of Human Rights (IACHR) ruled in favor of the Lhaka Honhat Association, representing 132 Indigenous communities in the Salta Province of Argentina. The IACHR stated that Argentina had violated the American Convention on Human Rights by failing to protect and prevent violations of the right to a healthy environment, Indigenous peoples' communal property, food, water, cultural identity, and judicial protection. This ruling came after 22 years of the Lhaka Honhat Association fighting to protect their land from state development and non-Indigenous residents' environmentally damaging activities.

## 05 Why are human rights important for climate policies and action?

A human rights-based approach to climate action means actively incorporating human rights in climate policy. This can look like ensuring meaningful public participation and inclusion or addressing how climate change uniquely affects women and children. A human-rights based approach holds States accountable for the duties and obligations that they have under the human rights system.

Putting human rights at the center of climate policy and action allows for more inclusive, participatory, effective, and sustainable outcomes. For example, Fiji employed a human rights-based approach to develop a resettlement strategy for communities forced to move because of the climate crisis.

## 06 What other human rights are connected to the right to a healthy environment?

Human rights are interdependent, meaning that the enjoyment of one human right cannot be at the expense of another.

Instead, the promotion, protection, and implementation of human rights go hand in hand with each other.

The right to a healthy environment uniquely relates to the following rights:



**Right to life** – Every person has the right to live. The triple planetary crisis—climate change, pollution, and biodiversity loss—threatens our ability to live healthily on this world. More than 7 million people, including hundreds of thousands of young children, die annually because of air pollution. Environmental defenders, seeking to protect ecosystems, land, and water, are often criminalized, harassed, and even murdered by governments and business enterprises.

## Risks to Human Rights and Climate Justice

In order to keep the planet healthy and livable, we must keep global temperature warming to 1.5 C above preindustrial level. This will involve rapidly and equitably cutting greenhouse gas emissions and transitioning away from fossil fuels and towards renewable energy, ending deforestation and transforming industrial agriculture. However, States, start-ups, and business enterprises have begun pushing false solutions and ‘techno-fixes’ such as carbon credits and large-scale carbon dioxide removal (CDR).

CDR broadly refers to technologies or activities that would remove carbon dioxide (CO<sub>2</sub>) from the air and in turn, help mitigate global temperature rise. Proposals for CDR fall into two categories, natural and engineered, and both have concerns. Natural CDR refers to expanding natural activities systems that already remove CO<sub>2</sub> like plants and forests. Engineered CDR refers to using technologies to capture CO<sub>2</sub> from the air and either pump it into the ground or into the ocean. Large-scale natural CDR has risks to biodiversity, land tenure, and Indigenous peoples’ rights while large-scale engineered CDR is not proven to scale, expensive, and risks the health of the ocean and land.

These techno-fixes ultimately feed our reliance on fossil fuels and don’t actually address the human activities driving the planetary crisis and environmental destruction. A human-rights based approach to climate policy must involve equitable, just, healthy, and available-at-scale climate policy and solutions.



**Right to health** - Every person has the right to both physical and mental health, but continued environmental degradation can threaten both. Climate-induced and exacerbated extreme weather events such as heat waves can harm physical health and intensify mental health challenges.



**Rights to water and sanitation** - Every person has the right to clean water and reliable and hygienic sanitation. Weather and extreme climate events have affected water and food security, especially in Africa, Asia, Central and South America, Least Developed countries, Small Island Developing states, and the Arctic. Implementing policies and practices that protect our environment also means protecting access to water, especially for the most vulnerable communities.



**Right to food** – Every person has the right to available, accessible, adequate, and sustainable food. Protecting sustainable and multi-crop farming, soil health, and small-scale farmers helps protect biodiversity and food security.



**Right to development** – Every person has the right to economic, cultural, social, and political development. Critics of environmental protection often position economic development and environmental protection in opposition to each other. However, the 17 UN Sustainable Development Goals outline how we can both end poverty and protect the planet through, for example, building sustainable infrastructure which will both create jobs and housing, and be more resilient.

## How rights are interdependent:

In May of 2024, the European Court of Human Rights ruled that Switzerland had failed to implement climate policies to curb warming and thus, violated the right to respect for private and family life. The case was brought to the court by Klimaseniorinnen Schweiz, an association of more than 2,500 elderly women. They argued that Switzerland's failure to implement policies that reduce warming put elderly women's health at risk. The court ordered that Switzerland implement more ambitious climate policies in line with science. This case highlights how the right to life, the right to health, and the right to a healthy environment are interdependent.



## **07 What can I do about my right to a healthy environment?**

From the individual, local, national, regional to international levels, every action counts. Knowing our rights empowers us to identify injustices and violations. Governments have the duty and responsibility to protect and fulfill our human rights.

We can educate ourselves and others on our rights, and where safe and possible, hold our governments accountable through voting, protesting, speaking with government officials, or educating others.

## **08 How can I learn more?**

For a detailed user's guide to the right to a healthy environment, read former U.N Special Rapporteur on the Right to a Healthy Environment David Boyd's guide [here](#).

For information on the UN Sustainable Development Goals, read more [here](#).

For personal and political actions you can take, read QUNO's publication "Climate Change: What You Can Do" [here](#).

For more information on the IPCC's climate science, read QUNO's publication "A Government Official's Toolkit: Inspiring Urgent Climate Action" [here](#).

