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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Armenia,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile, Costa Rica, Croatia,* Cyprus,* Ecuador,* Estonia,* Finland, France, Germany, Greece,* Italy,* Latvia,* Lithuania, Luxembourg, Maldives, Marshall Islands,* Mexico, Montenegro, Morocco, North Macedonia,* Paraguay, Peru,* Portugal,* Romania, Slovakia,* Slovenia,* Spain,* Switzerland,* Tunisia* and Ukraine: draft resolution

52/... The human right to a clean, healthy and sustainable environment

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the Declaration of the United Nations Conference on the Human Environment, the Declaration on the Right to Development, the Rio Declaration on Environment and Development, the United Nations Framework Convention on Climate Change, relevant international human rights treaties and other relevant regional human rights instruments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its resolutions on human rights and the environment, the most recent of which are resolutions 45/17 of 6 October 2020, 45/30 of 7 October 2020 and 46/7 of 23 March 2021, and relevant resolutions of the General Assembly,

Welcoming the adoption of Human Rights Council resolution 48/13 on 8 October 2021 and General Assembly resolution 76/300 on 28 July 2022, recognizing the human right to a clean, healthy and sustainable environment,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling States’ obligations and commitments under multilateral environmental instruments and agreements, and the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome

* State not a member of the Human Rights Council.



document entitled “The future we want”,¹ which reaffirmed the principles of the Rio Declaration on Environment and Development,

Reaffirming the importance of international cooperation, on the basis of mutual respect, in full compliance with the principles and purposes of the Charter, with full respect for the sovereignty of States while taking into account national priorities,

Reaffirming further that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law,

Recalling also the outcomes of the fifth session of the United Nations Environment Assembly, held online on 22 and 23 February 2021, and subsequently in Nairobi and online from 28 February to 2 March 2022, and noting its reaffirmation that a clean, healthy and sustainable environment is important for the enjoyment of human rights and for sustainable development in all its dimensions, and that the well-being of humanity depends on nature,

Welcoming the outcomes of the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the fourth Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, held in Sharm El-Sheikh, Egypt, from 6 to 20 November 2022, including the Sharm el-Sheikh Implementation Plan, which acknowledge that climate change is a common concern of humankind, and that Parties should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to a clean, healthy and sustainable environment, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, older persons, persons with disabilities and persons in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and girls and intergenerational equity,

Welcoming also the outcomes of the fifteenth session of the Conference of the Parties to the Convention on Biological Diversity, held in Montreal, Canada, from 7 to 19 December 2022, and welcoming further that the implementation of the Kunming-Montreal Global Biodiversity Framework, adopted at that session, should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights, and that the framework acknowledges the human right to a clean, healthy and sustainable environment,

Taking note also of the information note entitled “What is the Right to a Healthy Environment?” of the Office of the United Nations High Commissioner for Human Rights, the United Nations Environment Programme and the United Nations Development Programme,

Recalling all of the reports of the Special Rapporteur (formerly the Independent Expert) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,²

Welcoming the latest report of the Special Rapporteur, on the issue of women, girls and the right to a clean, healthy and sustainable environment,³ and recognizing the intersectional forms of discrimination that women and girls face, the importance of gender equality, gender-responsive action to address climate change and environmental degradation, the empowerment, leadership, decision-making and meaningful participation of women and girls and their role as managers, leaders, environmental human rights defenders and agents of change in conserving, protecting and restoring the environment,

Recognizing that environmental degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination, and that environmental harm can have disastrous and at times geographically dispersed consequences for the quality of life of Indigenous Peoples, local communities, peasants and others who rely directly on the products

¹ General Assembly resolution 66/288, annex.

² A/73/188, A/74/161, A/75/161, A/76/179, A/77/284, A/HRC/22/43 A/HRC/25/53, A/HRC/28/61, A/HRC/31/52, A/HRC/31/53, A/HRC/34/49, A/HRC/37/58, A/HRC/37/59, A/HRC/40/55, A/HRC/43/53, A/HRC/43/54, A/HRC/46/28, A/HRC/49/53, A/HRC/52/33 and A/HRC/52/44.

³ A/HRC/52/33.

of forests, rivers, lakes, wetlands and oceans for their food, fuel and medicine, resulting in further inequality and marginalization,

Recognizing also that, conversely, the impacts of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in ecosystem services may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations, such as people facing desertification, land degradation, sea level rise, drought and water scarcity, as well as women and girls,

Recalling that all people on Earth depend directly or indirectly on the ocean and cryosphere, and that communities living in close connection with polar, mountain or coastal environments are particularly exposed to the current and future hazards of ocean and cryosphere change, including sea level rise, ocean warming, acidification and deoxygenation, ice sheet and glacier mass loss, and permafrost degradation,

Recognizing the benefits of seeking to mitigate and minimize the negative effects of pollution and other forms of environmental degradation and the importance of the environmentally sound management and disposal of chemicals and waste, including in situations of armed conflict and post-conflict contexts, and expressing its deep concern at the threats posed to the effective enjoyment of human rights, particularly to those of children, women and girls, youth, persons with disabilities, older persons, Indigenous Peoples, local communities, refugees, internally displaced persons, migrants and persons in vulnerable situations,

Recognizing also that the exercise of human rights, including the freedom to seek, receive and impart information, to participate safely and effectively in the conduct of government and public affairs, to have access to justice and the right to an effective remedy, is vital to the respect, protection and promotion of the right to a clean, healthy and sustainable environment,

Reaffirming Human Rights Council resolution 40/11 of 21 March 2019, in which the Council recognized the contribution of human rights defenders working in environmental matters, referred to as environmental human rights defenders, to the enjoyment of human rights, environmental protection and sustainable development,

Recalling the Guiding Principles on Business and Human Rights, which underscore the responsibility of all business enterprises to respect human rights, including the rights to life, liberty and security of environmental human rights defenders,

Mindful that the growing risk of emerging infectious diseases of zoonotic origin may be caused by human actions that damage ecosystems and biodiversity, stressing that biodiversity is important for the enjoyment of a wide range of human rights, including the right to a clean, healthy and sustainable environment, expressing concern that the loss of biodiversity caused by human activities can be threatening to the enjoyment of those rights and have a major impact on health and livelihoods, and stressing that human rights-based environmental action is essential to reduce the risk of future pandemics,

Recognizing the positive, important and legitimate role played by children and by child- and youth-led movements that defend human rights relating to a clean, healthy and sustainable environment, and welcoming the work of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in engaging and consulting with children,

Recognizing also the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child, and noting

that the Committee on the Rights of the Child is drafting a general comment on children's rights and the environment, with a special focus on climate change,

Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,⁴ and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

1. *Welcomes* the work undertaken by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, his thematic reports, and the undertaking of country visits;

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment, including its collaboration with the Secretary-General, the United Nations Environment Programme and other key partners, and its engagement with multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme, the United Nations Development Programme, the United Nations International Children's Emergency Fund and the United Nations Entity for Gender Equality and the Empowerment of Women in support of the mandate of the Special Rapporteur, and in helping to clarify the relationship between human rights and the environment;

4. *Calls upon* States:

(a) To respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges;

(b) To adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice, including to an effective remedy, in environmental matters;

(c) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, children, youth, Indigenous Peoples, local communities, peasants, older persons, persons with disabilities and others who depend directly on biodiversity and ecosystem services, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

(d) To implement fully their obligations to respect, protect and fulfil human rights without discrimination of any kind, including in the application of environmental laws and policies;

(e) To promote a safe and enabling environment in which individuals, civil society organizations, including environmental human right defenders and those working on human rights and environmental issues can operate free from threats, hindrance and insecurity;

(f) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of the human right to a clean, healthy and sustainable environment, in accordance with their international obligations;

(g) To establish, maintain and strengthen effective legal and institutional frameworks to regulate the activities of public and private actors in order to prevent, reduce and remedy harm to biodiversity and ecosystems, taking into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment;

(h) To take into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment in the implementation of and

⁴ A/HRC/37/59, annex.

follow-up to the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

(i) To increase funding and support for, and collaboration with, grass-roots women's organizations working on environmental and human rights issues, and for the implementation of gender action plans under multilateral environmental agreements;

5. *Encourages* States:

(a) To adopt integrated, intersecting and holistic national and local policies and an effective legal framework for the enjoyment of the human right to a clean, healthy and sustainable environment;

(b) To address compliance with human rights obligations relating to the enjoyment of the human right to a clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review, and the submission of State party reports to relevant United Nations human rights treaty bodies;

(c) To build capacities for efforts to protect the environment in order to fulfil their human rights obligations and commitments, and to enhance cooperation with other States, the Office of the United Nations High Commissioner for Human Rights, the rest of the United Nations system and other relevant international and regional organizations, agencies, convention secretariats and programmes, and relevant non-State stakeholders, including civil society, national human rights institutions and business, on the further development and implementation of the human right to a clean, healthy and sustainable environment, in accordance with their respective mandates;

(d) To explore ways to incorporate information on human rights and the environment in school curricula, in order to teach current and future generations to act as agents of change, including by taking into account the traditional knowledge of Indigenous Peoples;

(e) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(f) To collect disaggregated data on the effects of environmental harm, including the loss of biodiversity and the decline of ecosystem services, on persons in vulnerable situations;

(g) To promote and accelerate human rights-based environmental action, that is gender-responsive and includes gender equality and the empowerment of women and girls, and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(h) To continue to share good practices in fulfilling human rights obligations relating to the human right to a clean, healthy and sustainable environment through the good practices database maintained by the Special Rapporteur;

(i) To facilitate expert exchange of knowledge and ideas, building synergies between the protection of human rights and the protection of the environment, and to promote coherence among different policy areas, bearing in mind an integrated and multisectoral approach and considering that efforts to protect the environment must fully respect other human rights obligations, including those relating to gender equality;

(j) To strengthen their efforts to protect biodiversity, including by updating and implementing their national biodiversity strategies and action plans, thereby contributing to the achievement of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity;

(l) To build capacity within the judicial sector to understand the relationship between human rights and the environment;

(m) To foster a responsible private business sector and to encourage corporate sustainability reporting while respecting the Guiding Principles on Business and Human Rights and environmental standards, in accordance with relevant international agreements;

6. *Recognizes* the important role played by individuals and civil society organizations, including human rights defenders and environmental human right defenders, in the promotion and protection of human rights as they relate to the enjoyment of the human right to a clean, healthy and sustainable environment, including biodiversity and ecosystems;

7. *Also recognizes* the important role of national human rights institutions to support and promote the enjoyment of the human right to a clean, healthy and sustainable environment;

8. *Encourages* relevant United Nations agencies, funds and programmes, other international organizations, treaty bodies, academia and civil society organizations to promote the implementation of the human right to a clean, healthy and sustainable environment;

9. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, before the end of 2023, a one-day expert seminar on the responsibility of business enterprises to respect the human right to a clean, healthy and sustainable environment, informed by the findings of the mandate holder;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations, business and finance representatives, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, treaty bodies, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its fifty-fifth session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner, the World Health Organization, the International Organization for Migration, the International Labour Organization and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies for the respect, promotion and protection of the human right to a clean healthy and sustainable environment, bearing in mind an integrated and multisectoral approach;

11. *Calls upon* all States to conserve, protect and restore healthy ecosystems and biodiversity and to ensure their sustainable management and use by applying a human rights-based approach that emphasizes participation, inclusion, transparency and accountability in the management of natural resources;

12. *Decides* to remain seized of the matter, in accordance with its annual programme of work.
