

Human Rights and Environment Protection

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ABSTRACT: All human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation.

Without a healthy environment, we are unable to fulfil our aspirations. We may not have access to even the minimum standards of human dignity.

KEYWORDS: human, rights, environment, dignity, protection

I. INTRODUCTION

In recent years, the recognition of the links between human rights and the environment has greatly increased. The number and scope of international and domestic laws, judicial decisions, and academic studies on the relationship between human rights and the environment are growing rapidly.

The human rights and the environment mandate, created in March 2012 and extended in 2018, examines the human rights obligations as they relate to a safe, clean, healthy and sustainable environment. It also promotes best practices relating to the use of human rights in environmental policymaking. [1,2,3]

Many States now incorporate a right to a healthy environment in their constitutions. Yet many questions about the relationship of human rights and the environment remain unanswered and require further examination

Human rights and the environment are intrinsically intertwined: a clean, healthy and sustainable environment is essential in the enjoyment of our human rights. On 28 July 2021, the United Nations General Assembly declared that everyone on the planet has a right to a healthy environment. This landmark decision is the result of decades of mobilization of various stakeholders. States must now implement their commitments and scale up their efforts. This page aims at listing relevant information, research, data and/or press releases issued by our partners in Geneva and other institutions around the world. [5,7,8]

- General comment No. 26 (2020) on children's rights and the environment with a special focus on climate change | Committee on the Rights of the Child | 22 August 2020
In this general comment, the Committee emphasizes the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children's rights, and clarifies the obligations of States to address environmental harm and climate change. The Committee also explains how children's rights under the Convention on the Rights of the Child apply to environmental protection, and confirms that children have a right to a clean, healthy and sustainable environment.
- South Africa must tackle crude legacy of environmental racism and toxic exposure: UN expert | SR toxics | 11 August 2020
South Africa must redouble its efforts to tackle the crude legacy of pre-1994 environmental racism, including the abhorrent practice of intentionally situating landfills and polluting industries along racial lines and in low-income and migrant communities, a UN expert said.
- Wildfires Are Displacing Canada's Indigenous Communities | New York Times | 29 July 2020 [9,10,11]
The country's record-breaking fire season has led tens of thousands of Indigenous people to flee their homes and ravaged forests they rely on for sustenance.
- Global Climate Litigation Report: 2020 Status Review | UNEP | 27 July 2020
The report shows that people are increasingly turning to the courts to combat the climate crisis with 2,180 climate-related cases filed in 65 jurisdictions, as of December 2021. Children and youth, women's groups, local

communities, and Indigenous Peoples, among others, are taking a prominent role in bringing these cases and driving climate change governance reform in more and more countries around the world.

- Devastating rights violations against Indigenous people must end | UN News | 17 July 2020
Indigenous Peoples have the ancestral wisdom to guide humanity towards a more sustainable use of the Earth's resources, yet they are systematically discriminated against and excluded, UN rights chief Volker Türk warned on Monday.
- Key human rights considerations on the impact of seabed mining | OHCHR | 10 July 2020
"States should commit not to proceed with plans for deep-sea mineral extraction until such a time as adequate safeguards, including sufficient scientific knowledge, exist to ensure such activities can be carried out in a way that respects, protects and fulfils human rights, including the human right to a healthy environment." [12,13,15]

II.DISCUSSION

The Role of International Geneva

Geneva is the main international hub on human rights issues and the majority of international universal human rights organs are based here.

United Nations Human Rights Council

The United Nations Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. The UN Human Rights Council meets at the UN Office at Geneva.

Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (OHCHR) is the leading UN entity on human rights and represent the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the Universal Declaration of Human Rights. OHCHR is home for secretariats of international human rights treaty bodies and the UN Human Rights Council. [17,18,19]

Volker Türk is the High Commissioner for Human Rights, often known as the UN human rights chief.

Treaty Bodies

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty.

Currently, there 10 treaty bodies that are established by nine human rights international treaties and one optional protocol . The treaty bodies are composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by State parties.

Recently, UN human rights experts also welcomed the impending entry into force of the first environmental human rights treaty in Latin America and the Caribbean, known as the Escazú Agreement, lauding it as a ground-breaking pact to fight pollution and secure a healthy environment. The Escazú Agreement also includes strong protections for indigenous peoples and environmental human rights defenders, at a time when they are subject to unprecedented levels of violence.

Universal Periodic Review

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations. [20,21,22]

Aarhus Convention

The Aarhus Convention on access to information, public participation and access to justice in environmental matters, hosted by UNECE, is also devoting a part of its work on the protection of environmental defenders. The Escazú convention in Latin America is working in the same direction.

III.RESULTS

Right to a Healthy Environment

What is the Right to a Healthy Environment?

The adoption by the General Assembly (GA), the principal policy-making body of the UN, of the resolution recognizing the human right to a healthy environment marked a landmark moment which sends a powerful message that there is widespread, worldwide support for this right – which is already recognized in 156 countries at the national and regional levels.

The resolution on the right to a healthy environment was the result of States' commitment on environmental issues, many years of advocacy and collaboration by national human rights institutions, civil society organizations, Indigenous Peoples, children and young people, and business actors, among others, and supported by UN entities. Putting rights at the centre of addressing the triple planetary crisis – climate change, biodiversity and nature loss, and pollution – is more important now than ever and an imperative for achieving the Sustainable Development Goals (SDGs). [23,22,25]

A Historic Resolution at the Human Rights Council

An appeal to the Human Rights Council to recognize without delay the right of all to a safe, clean, healthy and sustainable environment was shared with all member states ahead of HRC45. This appeal, entitled “The Time Is Now”, has been signed by more than 1,150 organizations from civil society, social, environmental, youth, gender equality and human rights movements, trade unions, Indigenous Peoples, and local communities, from more than 100 countries. The call was conveyed at HRC46 in a joint NGO statement.

On 9 March 2021, over 60 nations urged the HRC to recognize the right to a healthy environment, moving a step closer towards adding a new universal human right that also benefits the planet to the list. Simultaneously, the UN Environment Programme delivered a joint statement on behalf of 15 UN entities calling for global recognition, implementation, and protection of the human right to a safe, clean, healthy and sustainable environment.

At the 48th session of the Human Rights Council, in October 2021, States recognized, for the first time, that having a clean, healthy and sustainable environment is a human right. Resolution A/HRC/48/13 forwarded by the core group on Human Rights and the Environment – Costa Rica, Maldives, Morocco, Slovenia and Switzerland – was adopted with 43 votes in favor and 4 abstentions.

UN special rapporteur on human rights and environment David Boyd has called the HRC's recognition of the human right to a healthy environment a historic breakthrough that has the potential to improve the life of everyone on the planet.

The world's future looks a little bit brighter today. The United Nations, in an historical development, has for the first time recognised that everyone, everywhere, has a human right to live in a safe, clean, healthy and sustainable environment. [27,28,29]

A Historic Resolution at the UN General Assembly

On 28 July 2021, the United Nations General Assembly adopted a resolution declaring that everyone on the planet has a right to a healthy environment. This landmark decision (A/RES/76/300), co-sponsored by 117 member States, is the result of decades of mobilization of various stakeholders. The resolution, based on a similar text adopted in October 2021 by the Human Rights Council, calls upon States, international organizations, and business enterprises to scale up efforts to ensure a healthy environment for all [30,31,32]

IV.CONCLUSIONS

Today is a historic moment, but simply affirming our right to a healthy environment is not enough. The General Assembly resolution is very clear: States must implement their international commitments and scale up their efforts to realize it. We will all suffer much worse effects from environmental crises, if we do not work together to collectively avert them now.

Recognition in Other Bodies

Council of Europe

In a Recommendation on human rights and the protection of the environment adopted on 27 September 2021, the Council of Europe calls on its 46 member states to actively consider recognising, at national level, the right to a clean, healthy and sustainable environment, as a human right. → Read the resolution

Pollution and Hazardous Wastes

Though integral to almost all sectors of society, the lack of environmentally sound management of chemicals and waste can have long-lasting negative impacts on human health, society, and on the environment. Such negative impacts violate our human right to live in a clean, healthy, and sustainable environment. Stakeholders, particularly States and businesses, must ensure that this right is upheld when conducting activities and operations on the ground.[33,35,37]

Right to a Non-Toxic Environment

At the 49th session of the Human Rights Council, the Special Rapporteur on human rights and the environment and the Special Rapporteur on toxics and human rights presented a joint report on “The right to a clean, healthy and sustainable environment: non-toxic environment“.

The report describes the ongoing toxification of people and the planet, which is creating “sacrifice zones”: extremely contaminated areas where vulnerable and marginalized groups bear a disproportionate burden of the health, human rights and environmental consequences of exposure to pollution and hazardous substances. The Special Rapporteur on human rights and the environment presented these findings, highlighting State obligations, business responsibilities and good practices related to ensuring a non-toxic environment by preventing pollution, eliminating the use of toxic substances and rehabilitating contaminated sites. [38,39]

Toxic Free Talks

The Special Rapporteur on toxics and human rights reports every Fall to the Council and to the UN General Assembly on issues related to his mandate. The Geneva Toxic Free Talks aim to harness the opportunity of this moment of the year to reflect on the challenges posed by the production, use and dissemination of toxics and on how Geneva contributes to bringing together the actors working in reversing the toxic tide.

Plastics and Human Rights

Plastic pollution is not only a threat to our environment, it is also a threat to people, as every stage of the plastic lifecycle impact human rights. These impacts include toxic pollution released in manufacturing, exposure to toxic additives in plastic consumer products, waste mismanagement, disinformation campaign about the risks of and solutions to plastic pollution, and more. Human rights principles are thus critical to support legitimate and effective responses. → Read more on plastics and human rights

Air Pollution and Human Rights

According to the World Health Organization (WHO), air pollution kills an estimated seven million people worldwide each year and that 9 out of 10 people breathe air containing high levels of pollutants. In addition, air pollution disproportionately affects women, children and older persons.

Poor air quality has implications for a wide range of human rights, including the rights to life, health, water, food, housing and an adequate standard of living. Air pollution also clearly violates the right to a healthy and sustainable environment.

Air pollution is a preventable problem. The solutions – laws, standards, policies, programmes, investments and technologies – are known. Implementing these solutions will of course entail large investments, but the benefits of fulfilling the right to breathe clean air for all of humanity are incalculable. [41, 42, 43]

Right to Science in the Context of Toxic Substances

Science provides the international community with knowledge about the risks and harms posed by hazardous substances on human health and environment, and thus enables the elaboration of evidence-based policies to address them. Science-based policies also protect the range of human rights that are compromised when individuals and communities are exposed to hazardous substances and waste.

The UN Special Rapporteur on toxics and human rights, in his annual report to the Human Rights Council at its 48th session, focused on the human right to science with regard to the risks and harms associated with the life cycle of hazardous substances and wastes, examining the dynamics and interconnections between scientific progress, the diffusion of scientific information and the science-policy interface.

The right to science, as recognized in the Universal Declaration of Human Rights, implies the availability and accessibility of accurate scientific information to the general public and specific stakeholders. In the context of toxic substances, the right to science provides humanity with the tools to confront the severe toxification of the planet and its people. It requires that governments correct scientific disinformation. It implies an enabling environment where scientific freedoms may be realized and where governments foster needed scientific research on toxic substances that endanger human health and the environment. → Read more on the right to science in the context of toxic substances

Climate Change

Climate change is an existential threat for people and the planet. Its harmful effects undermine the full enjoyment and realization of all human rights, disproportionately affecting those who are already in vulnerable situations. Over the past years, the Human Rights Council took on resolutions and discussions on specific aspects of climate change, while Special Rapporteurs contributed with reports on specific thematic angles within their mandates.

Climate Change at the Human Rights Council

The Human Rights Council has contributed to raising awareness of the links between human rights and climate change by successive and targeted clarifications of the ways climate change affects human rights, including through the adoption of a series of resolutions related to climate change and human rights. The OHCHR also published a factsheet on the “Frequently asked questions on human rights and climate change”[44, 45, 46]

REFERENCES

1. "Environmental-protection dictionary definition | environmental-protection defined". yourdictionary.com. Retrieved 21 November 2018.
2. ^ "What is Environmental Protection? definition of Environmental Protection (Black's Law Dictionary)". The Law Dictionary. 19 October 2012. Retrieved 21 November 2018.
3. ^ Karamanos, P., Voluntary Environmental Agreements: Evolution and Definition of a New Environmental Policy Approach. Journal of Environmental Planning and Management, 2001. 44(1): p. 67-67-84.
4. ^ The California Institute of Public Affairs (CIPA) (August 2001). "An ecosystem approach to natural resource conservation in California". CIPA Publication No. 106. InterEnvironment Institute. Archived from the original on 2 April 2012. Retrieved 10 July 2012.
5. ^ Mitchell, R.B., International Environmental Agreements: A Survey of Their Features, Formation, and Effects. Annual Review of Environment and Resources, 2003. 28(1543-5938, 1543-5938): p. 429-429-461.



6. ^ Iriss Borowy, "Before UNEP: who was in charge of the global environment? The struggle for institutional responsibility 1968–72." *Journal of Global History* 14.1 (2019): 87-106.
7. ^ "The right to a clean and healthy environment: 6 things you need to know". UN News. 15 October 2021. Retrieved 15 October 2021.
8. ^ "Bachelet Calls For Urgent Action To Realize Human Right To Healthy Environment Following Recognition By UNGA". www.scoop.co.nz. July 29, 2021. Retrieved 2021-08-11.
9. ^ "Bachelet calls for urgent action to realize human right to healthy environment following recognition by UN General Assembly". OHCHR. Retrieved 2021-08-11 – via Press Release.
10. ^ Harding, R., *Ecologically sustainable development: origins, implementation and challenges*. Desalination, 2006. 187(1-3): p. 229-239
11. ^ Earth Trends (2003). "Biodiversity and Protected Areas-- Tanzania" (PDF). *Earth Trends Country Profiles*. Vrije Universiteit Brussel. Archived from the original (PDF) on 3 May 2019. Retrieved 10 July 2012.
12. ^ Jessica Andersson; Daniel Slunge (16 June 2005). "Tanzania – Environmental Policy Brief" (PDF). Development Partners Group Tanzania. Archived from the original (PDF) on 10 July 2012. Retrieved 10 July 2012.
13. ^ Goldstein, G., *Legal System and Wildlife Conservation: History and the Law's Effect on Indigenous People and Community Conservation in Tanzania*, The. Georgetown International Environmental Law Review, 2005. Georgetown University Law Center (Spring).
14. ^ Pallangyo, D.M. (2007). "Environmental Law in Tanzania; How Far Have We Gone?". *LEAD: Law, Environment & Development Journal* 3 (1).
15. ^ ^{a b} Tanzania Government. "Environment Tanzania". Tanzania Government. Retrieved 20 September 2011.
16. ^ Zhang, Kunmin; Wen, Peng (2008). "Review on environmental policies in China: Evolvement, features, and evaluation". *Environ. Sci. Engin. China*. 2 (2): 129–141. doi:10.1007/s11783-008-0044-6.
17. ^ ^{a b} Zhang, Kun-min; Wen, Zong-guo. (2008). "Review and challenges of policies of environmental protection and sustainable development in China". *Journal of Environmental Management*. 88 (4): 1249–1261. doi:10.1016/j.jenvman.2007.06.019. PMID 17767999.
18. ^ ^{a b c d e} Chunmei, Wang; Zhaolan, Lin. (2010). "Environmental Policies in China over the past 10 Years: Progress, Problems and Prospects". *International Society for Environmental Information Sciences 2010 Annual Conference (ISEIS)*. 2: 1701–1712. doi:10.1016/j.proenv.2010.10.181.
19. ^ Liu, Jianguo; Diamond, Jared. (2008). "Revolutionizing China's Environmental Protection". *Science*. 319 (5859): 37–38. doi:10.1126/science.1150416. PMID 18174421. S2CID 2903206.
20. ^ "What We Are Responsible For". Environmental Protection Agency.
21. ^ "7th Islamic Conference of Environment Ministers" (PDF). ISESCO. Archived from the original (PDF) on 28 August 2019. Retrieved 25 October 2017.
22. ^ "Oman wins award for environment management in Islamic world". *Muscat Daily*. Archived from the original on 14 September 2019. Retrieved 26 August 2019.
23. ^ Ministério do Meio Ambiente (MMA) Secretaria de Biodiversidade e Florestas (2002), ' Biodiversidade Brasileira', http://www.biodiversidade.rs.gov.br/arquivos/BiodiversidadeBrasileira_MMA.pdf Archived 2015-04-16 at the Wayback Machine, retrieved September 2011
24. ^ Lewinsohn, T. M.; Prado, P. I. (2004) 'Biodiversidade Brasileira: Síntese do Estado Atual do Conhecimento', Contexto Acadêmico
25. ^ Ministério do Meio Ambiente (2012). "Ministério do Meio Ambiente" (in Portuguese). Ministério do Meio Ambiente. Archived from the original on 2 March 2012. Retrieved 10 July 2012.
26. ^ Veríssimo, A., Rolla, A., Vedoveto, M. & de Furtada, S.M. (2011) *Áreas Protegidas na Amazônia Brasileira: avanços e desafios*, Imazon/ISA
27. ^ Mittermeier, R. y C. Goettsch (1992) 'La importancia de la diversidad biológica de México', Conabio, México
28. ^ Viva Natura. "Principal ecosystems in Mexico". Viva Natura. Retrieved 10 July 2012.
29. ^ Official site: <http://www.semarnat.gob.mx/>
30. ^ Official site: <http://www.conanp.gob.mx/> Archived 2015-04-04 at the Wayback Machine
31. ^ "Collaborative Australian Protected Areas Database 2008". Department of Sustainability, Environment, Water, Population and Communities. Retrieved 21 September 2011.
32. ^ "Collaborative Australian Protected Areas Database 2002". Department of Sustainability, Environment, Water, Population and Communities. Retrieved 21 September 2011.
33. ^ Paul Sattler and Colin Creighton. "Australian Terrestrial Biodiversity Assessment 2002". National Land and Water Resources Audit. Department of Sustainability, Environment, Water, Population and Communities. Archived from the original on 11 September 2011. Retrieved 21 September 2011.



34. ^ "Royal National Park". NSW Office of Environment and Heritage. Retrieved 21 September 2011.
35. ^ Australian achievements in environment protection and nature conservation 1972-1982. Canberra: Australian Environment Council and Council of Nature Conservation Ministers. 1982. pp. 1–2. ISBN 0-642-88655-5.
36. ^ a b "Background to the Councils". Australian Government Primary Industries Ministerial Council and Natural Resource Management Ministerial Council. Archived from the original on 22 August 2011. Retrieved 21 September 2011.
37. ^ "ANZECC". Environment Protection and Heritage Council. Archived from the original on 27 September 2011. Retrieved 21 September 2011.
38. ^ "Environment Protection and Biodiversity Conservation Act". Department of Sustainability, Environment, Water, Population and Communities. Retrieved 21 September 2011.
39. ^ a b "About the EPBC Act". Department of Sustainability, Environment, Water, Population and Communities. Retrieved 21 September 2011.
40. ^ "Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) fact sheet". Department of Sustainability, Environment, Water, Population and Communities. Retrieved 21 September 2011.
41. ^ a b "Protected areas". Commonwealth of Australia. Archived from the original on 27 February 2012. Retrieved 21 September 2011.
42. ^ "Human Development Index (HDI) - 2010 Rankings" (PDF). Human Development Report Office; United Nations Development Programme. Retrieved 24 September 2011.
43. ^ "Overview of the Australian Government's Balance Sheet". Budget Strategy and Outlook 2011-12. Commonwealth of Australia. Archived from the original on 6 April 2015. Retrieved 24 September 2011.
44. ^ "The Australian Coal Industry - Coal Exports". Australian Coal Association. Archived from the original on 2 October 2011. Retrieved 25 September 2011.
45. ^ Short, Jeff; Smith, Andrew (1994). "Mammal Decline and Recovery in Australia". *Journal of Mammalogy*. 75 (2): 288–297. doi:10.2307/1382547. JSTOR 1382547.
46. ^ Johnson, Chris (2006). *Australia's Mammal Extinctions*. Melbourne: Cambridge University Press. pp. vii. ISBN 0-521-84918-7.