

Committee of the Permanent Representatives
Subcommittee meeting
Nairobi, 2 May 2024
09:00 – 12:00 and 13.00 – 16:00 (GMT+3)
Hybrid meeting
Conference Room 2 (in person)
and Microsoft Teams (online)

Agenda Item 2: Briefing on human rights and the environment.

This background document has been developed by the Secretariat to introduce the joint activities and collaboration between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNEP in advancing human rights and the environment, based on the Memorandum of Understanding signed between OHCHR and UNEP in 2019. The brief aims to raise awareness, promote and advance the links between human rights and the environment and reflect on key developments in this area.

Following the presentation, the Committee is invited to take note of the briefing and engage in an exchange of views with Committee Members and the Secretariat.

Briefing by UNEP-OHCHR on human rights and the environment

Committee of Permanent Representatives (CPR) Subcommittee

2 May 2024

A. Objectives

- Brief the Committee of Permanent Representatives (CPR) on the Office of the High Commissioner for Human rights (OHCHR) and the United Nations Environment Programme (UNEP)'s joint work and priorities related to human rights and the environment, including the right to a clean, healthy and sustainable environment (right to a healthy environment).
- Exchange ideas and strategies for the advancement of human rights-based approaches to environmental action.
- Seek guidance and feedback from the CPR for OHCHR and UNEP's future collaboration.

B. Background

Human rights and the protection of the environment are intrinsically linked. Human rights cannot be enjoyed without a clean, healthy and sustainable environment; and effective environmental protection depends on the promotion, protection and respect for human rights.

Back in 1972, the Stockholm Declaration on the Human Environment¹ recognized that people have “the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”. The recognition of the links between human rights and the environment, including the right to a healthy environment, has been taking place for decades in national constitutions and laws. In recent years, the number of international, regional and national instruments recognizing the interdependence of human rights and the environment has substantially increased, from General Assembly and Human Rights Council resolutions to domestic laws and judicial decisions. It is increasingly recognized that the triple planetary crisis is a human rights crisis.

Human rights-based approaches to environmental protection are therefore critical. These can lead to improved implementation and enforcement of environmental laws and policies; to enhancing accountability of decision-makers and those undertaking environmental activities; to empowerment of people, in particular those in vulnerable situations, by increasing and strengthening access to information, to public participation and access to justice in environmental matters; and to reduction of environmental injustices and closing of protection gaps. They can support decision-making and the establishment of consistent global environmental and human rights standards, strengthened capacities of States to meet their human rights and environmental obligations, and more effective, legitimate and sustainable outcomes.

Taking into account the respective and mutually reinforcing mandates of OHCHR and UNEP on the human rights-environment nexus, the two entities formalized a long-history of collaboration in 2019 when they signed a Memorandum of Understanding² (MoU) to further their shared goals related to human rights and the environment. Progress under the MoU is achieved through regular joint cooperation and programming on identified priorities related to human rights and the environment. Progress is regularly monitored through dedicated virtual meetings of the Community of Practice (CoP), that involves staff from global, regional and field presences.

¹ United Nations Conference on the Human Environment Stockholm Declaration on the Human Environment, A/CONF.48/14/Rev.1, 1972, accessible here:

<https://documents.un.org/doc/undoc/gen/nl7/300/05/pdf/nl730005.pdf?token=K5q6CLf12cjeeqoYBV&fe=true>

² Memorandum of Understanding concerning Cooperation between the United Nations Environment Programme (UNEP) and the United Nations Office of the High Commissioner for Human Rights (OHCHR), 18 August 2019, accessible here:

<https://wedocs.unep.org/handle/20.500.11822/29758>

Along with other relevant stakeholders, UNEP and OHCHR have been collaborating towards:

1) Mainstreaming human rights and the environment into UN systems and processes

The Secretary-General's Call to Action on Human Rights, launched in 2020, aimed to offer a transformative vision for human rights, recognising their importance to address broad causes and impacts of all complex crises, and to build sustainable, safe, and peaceful societies. The Call to Action recognizes human rights as central to the most pressing issues of our times including the rights of future generations, climate and justice and the right to a healthy environment.

Under the [Environment Management Group](#) – established in 2001 with the purpose of enhancing UN system-wide inter-agency coordination related to specific issues in the field of environment and human settlements - , the [Issue Management Group on Human Rights and the Environment](#) (IMG) was established in 2020. The IMG, which is led by OHCHR, the UN Development Programme (UNDP) and UNEP, coordinates UN system-wide activities on human rights and the environment including development of guidance and information materials, capacity-building and training activities, and joint strategies to integrate human rights in environmental processes such as the negotiations of the Conferences of the Parties to the Rio Conventions. It also supports follow-up on related aspects of the SG's Call to Action.

The following are some key outcomes from this interagency coordination:

- [STEP UP! A Joint Commitment by Heads of United Nations Entities to Promote the Right of Children, Youth and Future Generations to a Healthy Environment](#) (2021)
- [Upholding the Human Right to a Healthy Environment to Address the Triple Planetary Crisis: Common Narrative](#) (November 2022)
- [Guidance on Integrating Human Rights in National Biodiversity Strategy and Action Plans](#) (April 2023)
- [UN Guidance Note for United Nations Resident Coordinators & Country Teams: Supporting Governments to better respect, promote and protect environmental human rights defenders \(EHRDS\)](#) (November 2023)

2) Advocating for the universal recognition and advancement of the human right to a healthy environment

The right to a healthy environment, and its elements, are recognized in the majority of UN Member States, as well as in international and regional instruments such as the Aarhus Convention, the African Charter and the Escazú Agreement. The [UN General Assembly resolution 76/300](#) of 28 July 2022, following the adoption of [Human Rights Council resolution 48/13](#) of 18 October 2021, affirmed that all people everywhere have the right to a healthy environment.

In this respect, for instance, UNEP and OHCHR contributed to the process of elaboration of the Committee on the Rights of the Child's General Comment No. 26 on children's rights and the environment with a special focus on climate change, which affirmed that children have the right to a healthy environment, as well as support has been given to the Special Procedures under the Human Rights Council, in particular the mandates of the Special Rapporteurs on human rights and the environment and on human rights and climate change.

3) Supporting rights-based environmental action on the ground

OHCHR and UNEP field presences are supporting civil society networks, conducting capacity-building workshops for EHRDs, youth, private sector, judiciaries, among others, and exchanging good practices for advancement of the environment-human rights nexus, including the right to a healthy environment. Some examples include:

- UNEP, UNICEF and OHCHR Bangkok offices led the elaboration of [Principles and Policy Guidance on Children's Rights to a Safe, Clean, Healthy and Sustainable Environment in the ASEAN Region](#) (2021).
- UNEP, OHCHR and other partners are supporting the Association of Southeast Asian Nations (ASEAN) process for an environmental rights framework, focused on access rights.
- OHCHR, the UN Economic Commission for Latin America and the Caribbean (ECLAC), UNEP and other partners co-organized the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean.

- In Kenya, OHCHR and UNEP work together to support the Land and Environment Defenders Network.
- 4) Developing targeted awareness raising and knowledge materials

UNEP and OHCHR have developed several tools, guidance and briefings on human rights and the environment with the aim of raising awareness and improving understanding of the environment-human rights nexus, including the right to a healthy environment. The following are some examples:

- Publication of the Information Note “[What is the Right to a Healthy Environment?](#)” (2023), produced by UNEP, OHCHR and UNDP.
- Organization of informal briefings to Member States at the Human Rights Council sessions and side events at conferences of parties of Multilateral Environmental Agreements (MEAs).
- Publication of four [Joint Key Messages](#) on the connection of human rights with biodiversity, environment and COVID-19, hazardous substances and gender equality.
- Publication of an annual [Environmental Rights Bulletin](#), which showcases good practices related to processes at the national, regional and global levels of relevance to the human rights-environment nexus.

C. Human rights and UNEP’s Programme of Work

A clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, and food, and it is key to protect and improve human lives, especially of those people most affected by the triple planetary crisis of climate change, nature and biodiversity loss and pollution. The Medium-Term Strategy 2022-2025 highlights UNEP’s commitment to support an integrated and balanced implementation of the 2030 Agenda for Sustainable Development, for which respect for human rights is a crucial foundation. Under the foundational subprogramme of environmental governance, UNEP commits to advancing human rights relating to the enjoyment of a healthy environment, including by working with OHCHR and other partners in supporting countries. Under the MTS, the link between human rights and the environment is also recognized under the efforts towards gender equality, strengthening the rights of Indigenous Peoples and local communities, dialogue with Multilateral Environmental Agreements (MEAs) and the science-policy interface.

UN Environment Assembly resolutions [4/17](#) on promoting gender equality and the human rights and empowerment of women and girls in environmental governance and [4/20](#) on the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) are also important for the human rights-environment nexus and include strategic activities to promote the recognition of the mutually reinforcing relationship between environmental law and the three pillars of the UN Charter. At the 6th UN Environment Assembly (UNEA-6), five resolutions referenced UN General Assembly resolution 76/300 on the human right to a clean, healthy and sustainable environment in preambular paragraphs (resolutions [5](#), [6](#), [9](#), [11](#) and [15](#), still in draft version), as well as the [UNEA-6 Ministerial Declaration](#).

In the context of the 75th anniversary of the Universal Declaration of Human Rights, in 2023, [UNEP pledged](#) to advance the right to a healthy environment, to support EHRDs, to support Member States to uphold the rights of Indigenous Peoples, to commit to the principles of equity, non-discrimination, equal participation, accountability and access to justice and to work with partners, including OHCHR and UNDP.

D. OHCHR, human rights mechanisms and the environment

OHCHR supports the Human Rights Council (HRC), its special procedures mechanisms and the human rights treaty-bodies. Recent years have seen a growing number of HRC resolutions on the environment (e.g. [resolution 48/13](#) recognizing the right to a healthy environment, [resolution 40/11](#) on environmental human rights defenders, [resolution 51/35](#) on the legacy of nuclear testing in the Marshall Islands, [resolution 53/6](#) on human rights and climate change), as well as increased engagement by human rights mechanisms such as the special procedures mechanisms on climate change, toxics, Indigenous Peoples, the environment, water and sanitation, poverty, the right to development, cultural rights, solidarity, debt, and business and human rights among others. The human rights treaty bodies have also increasingly addressed environmental issues with the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC) and the Committee for the

Elimination of all forms of Discrimination against Women (CEDAW), each recently issuing general comments that reference the right to a healthy environment. OHCHR's 2024 – 2027 office management plan will integrate rights-based environmental action throughout as a strategic direction and includes an explicit result on the right to a clean, healthy and sustainable environment for the first time.

E. Next steps

UNEP and OHCHR will continue their partnership and joining of their unique mandates and expertise to advance the environment-human rights nexus, including through promoting the right to a healthy environment. The two entities will continue engaging with different relevant stakeholders, including other UN entities and field presences, States, EHRDs, National Human Rights Institutions, private sector actors, among others.

UNEP and OHCHR will take back the guidance and feedback provided in the Subcommittee in shaping future joint collaboration. The two entities will continue their efforts under the MoU to further deepen the human rights-environment nexus, including by enhancing the protection of EHRDs, to promote the mainstreaming human rights and the environment, including by promoting the implementation at all levels of the right to a healthy environment into UN processes environmental decision-making and to support States and other actors to take rights-based environmental action.

F. Relevance for the CPR

The Committee is invited to take note of the presentation on human rights and the environment and to provide guidance on how to further the shared goals and objectives of UNEP and OHCHR in the context of the MoU and with other partners. The Committee is invited to reflect on ways to further promote the links between human rights and the environment and pursue rights-based approaches to environmental protection, including in environmental decision-making.

Annex

Annexed is a compilation of joint work since the signature of the Memorandum of Understanding between UNEP and OHCHR.

Annex I

UNEP-OHCHR Memorandum of Understanding

Key outcomes and joint activities

The following is a non-exhaustive list of key outcomes, information materials and activities jointly organized, developed, and/or supported by OHCHR and UNEP in furtherance of the [Memorandum of Understanding \(MoU\)](#) signed by the two organizations in 2019 for the purpose of advancing shared goals and objectives related to human rights and the environment. Progress under the MoU is regularly monitored through dedicated virtual meetings of a Community of Practice (CoP) between the two entities.

- Adoption of [Human Rights Council resolution 48/13](#) and [UN General Assembly resolution 76/300](#) recognizing the human right to a clean, healthy and sustainable environment.
- Integration of human rights-based approaches and/or recognition of the right to a healthy environment in:
 - 6th session of the United Nations Environment Assembly (UNEA-6) [resolutions and Ministerial Declaration](#);
 - Strategic Approach to International Chemicals Management (SAICM), [Bonn Declaration](#) for a Planet Free of Harm from Chemicals and Waste, September 2023;
 - Committee on the Rights of the Child (CRC) General Comment No. 26 on children’s rights and the environment with a special focus on climate change, May 2023;
 - Convention on Biological Diversity (CBD), [Kunming-Montreal Global Biodiversity Framework \(GBF\)](#), December 2022;
 - COP27 and COP28 UN Framework Convention on Climate Change (UNFCCC) outcomes, including the [Sharm el-Sheikh Implementation Plan](#);
 - Committee on Economic, Social and Cultural Rights (CESCR) [General Comment No. 26 on Land and Economic, Social and Cultural Rights](#), December 2022;
 - Committee on the Elimination of Discrimination against Women (CEDAW) [General Recommendation No. 39 on the rights of Indigenous women and girls](#), October 2022.
- Production and launch of the annual [Environmental Rights Bulletin](#).
- Development of tools, guidance and briefings on human rights and the environment:
 - The joint organization during Human Rights Council sessions of informal briefings for Member States aimed at providing updates on current and future events;
 - United Nations Guidance Note on Environmental Human Rights Defenders ([English](#) and [Spanish](#)) (with the Environment Management Group (EMG) – Issue Management Group (IMG) on human rights and environment and the Secretary-General’s Call to Action interagency coordination group) (November 2023);
 - [Guidance on Integrating Human Rights in National Biodiversity Strategy and Action Plans](#) (April 2023) (produced by OHCHR, UNEP and UNDP);
 - [Information note “What is the Right to a Healthy Environment?”](#) (published in January 2023) (produced by OHCHR, UNEP and UNDP);
 - [Upholding the Human Right to a Healthy Environment to Address the Triple Planetary Crisis: Common Narrative](#) (November 2022) (produced by OHCHR, UNEP and UNDP);

- The development of the “[Practical Guidance for NHRIs on Addressing Human Rights and Climate Change](#)”, (November 2022) (with UNDP and the Global Alliance of National Human Rights Institutions);
- [STEP UP! A Joint Commitment by Heads of United Nations Entities to Promote the Right of Children, Youth and Future Generations to a Healthy Environment](#) (published in June 2021) (with the SG’s Call to Action interagency coordination group);
- [Principles and Policy Guidance on Children’s Rights to a Safe, Clean, Healthy and Sustainable Environment in the ASEAN Region](#) (launched in November 2021).
- Production and launch of four [Joint Key Messages](#) on the connection of human rights with biodiversity, environment and Covid-19, hazardous substances and gender equality.
- Raising awareness and building capacities for rights-based approaches to environmental action through the regular organization of events at meetings of Multilateral Environment Agreements (MEAs), the Human Rights Council, UNEA and in other global, regional and national fora.
- Training and capacity-building on the triple planetary crisis, just transition and environmental defenders for UN system.
- Supporting the integration of climate issues into the [Global Alliance for National Human Rights Institutions \(GANHRI\)](#)’s Strategic Plan 2023-2027 and the Outcome Statement “Climate Change: The Role of National Human Rights Institutions” of the 2020 GANHRI Annual Conference.

Ongoing efforts:

- 2020-present: interagency cooperation under the [Secretary-General Call to Action for Human Rights \(C2A\)](#), coordinated by OHCHR, UNEP, and UNDP.
- 2020-present: Cooperation under the UN Environment Management Group, in particular the [Issue Management Group on Human Rights and the Environment](#).
- 2020-present: support GANHRI in advancing their efforts of bridging the human rights-environment nexus, including by building capacity of National Human Rights Institutions.
- 2022-present: Support in the development of a Regional Framework on Environmental Rights within the Association of Southeast Asian Nations (ASEAN).
- 2021-present: Partnering with Wikimedia on the #WikiforHumanRights campaign, an initiative to fill knowledge gaps on Wikipedia about topics related to the environment and human rights, and to help the public address the pressing triple environmental crisis.
- 2022-present: Joint work by OHCHR, UNEP, and several civil society organizations (CSOs) on the possible adoption of a legally binding protocol on human rights and the environment to the European Convention of Human Rights (ECHR).