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

Resolution adopted by the Human Rights Council on 23 March 2021

46/7. Human rights and the 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 relevant international human rights treaties and other relevant regional human rights instruments,

Reaffirming also all its resolutions on human rights and the environment, the most recent of which are resolutions 37/8 of 22 March 2018, on human rights and the environment, and 45/30 of 7 October 2020, on realizing the rights of the child through a healthy environment, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Reaffirming further 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 the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document entitled "The future we want",[1] which reaffirmed the principles of the Rio Declaration on Environment and Development,

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

Recalling the outcome of the first part of the fifth session of the United Nations Environment Assembly, held online in February 2021, and looking forward to the second part of the fifth session, to be resumed in Nairobi in February 2022,

Recalling also the Paris Agreement, adopted on 12 December 2015 by the parties to the United Nations Framework Convention on Climate Change, in which they acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to

[1] General Assembly resolution 66/288, annex.

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health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Noting the Secretary-General's Call to Action for Human Rights, which calls for, inter alia, creating space for young people to participate in shaping the decisions that will affect their future, including but not limited to environmental protection, protecting human rights defenders and environmental activists, particularly young people, women and girls, and raising awareness and enhancing education that prepares young people for the future they face, including climate change-related curricula at all levels of primary and secondary education,

Taking note of the outcomes of the twenty-fifth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, and encouraging States to consider, among other aspects, respect for and the promotion of human rights at the twenty-sixth session, to be held in Glasgow, United Kingdom of Great Britain and Northern Ireland, from 1 to 12 November 2021,

Taking note also of the outcomes of the fourteenth session of the Conference of the Parties to the Convention on Biological Diversity, and encouraging the parties to take into consideration a human rights-based approach in the context of conserving, restoring and sustainably using biodiversity in the post-2020 global biodiversity framework expected to be adopted at the fifteenth session, to be held in Kunming, China,

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

Recognizing also that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing further that, conversely, the impact 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 services provided by ecosystems 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 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, as well as women and girls,

Recalling the importance of women's and indigenous peoples' rights to have access to and to use land to increase opportunities for climate change adaption and mitigation, as recognized by the Intergovernmental Panel on Climate Change in its *Special Report on Climate Change and Land*,

Recognizing the benefits of seeking to mitigate and minimize the negative effects of pollution and other forms of environmental degradation 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 by persons in vulnerable situations, including children, women and girls, youth, persons with disabilities, older persons, indigenous peoples, local communities, refugees, internally displaced persons and migrants,

Recognizing also that the exercise of human rights, including the freedom to seek, receive and impart information, to participate effectively in the conduct of government and

public affairs and the right to an effective remedy, is vital to the protection of a clean, healthy, safe 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, urges all States to take all measures necessary to ensure the protection of the rights and safety of all persons, including environmental human rights defenders, and underscores the responsibility of all business enterprises, both transnational and others, in accordance with the Guiding Principles on Business and Human Rights, to respect human rights, including the rights to life, liberty and security of human rights defenders, including environmental human rights defenders,

Noting the World Health Organization "Manifesto for a healthy recovery from COVID-19", which aims at creating a healthier, fairer and more sustainable world while investing to maintain and resuscitate economies hit by the effects of the coronavirus disease (COVID-19) pandemic,

Recognizing the positive, important and legitimate role played by children and by child- and youth-led movements that defend human rights relating to a healthy 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 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 the role women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment,

Recognizing further 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,

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, and 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,

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,[2] and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

Noting that more than 155 States have recognized some form of a right to a healthy environment in, inter alia, international agreements or their national constitutions, legislation or policies,

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. *Takes note with appreciation* of the reports of the Special Rapporteur on human rights and the global water crisis: water pollution, water scarcity and water-related

[2] A/HRC/37/59, annex.

disasters[3] and on the theme "Human rights depend on a healthy biosphere",[4] and also takes note of the recommendations therein;

3. *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 support for the United Nations Environment Management Group and the Secretary-General's Call to Action for Human Rights, its collaboration with United Nations Environment Programme and other key partners, 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, to advance respect for and the protection and promotion of human rights when taking environmental action, when appropriate, and its efforts to promote an equitable and sustainable response to and recovery from the COVID-19 pandemic;

4. *Notes with appreciation* the work of the United Nations Environment Programme, the Office of the High Commissioner and the United Nations Development Programme in the implementation of the strategic interventions developed under the Secretary-General's Call to Action for Human Rights, in particular area 5;

5. *Decides* to renew the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

6. *Requests* the Special Rapporteur, in fulfilling the mandate:

(a) To continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the World Health Organization, the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, indigenous peoples and civil society organizations, including those representing local communities and other persons in vulnerable situations, women, children and youth, the private sector and academic institutions;

(b) To continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard to disseminate and consider updating documents elaborated by the previous mandate holder, as appropriate;

(c) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development and the Sustainable Development Goals;

(d) To continue to contribute to and participate in, where appropriate, intergovernmental conferences and meetings relevant to the mandate, including at the United Nations Environment Assembly and events relating to the fiftieth anniversary of the Stockholm Declaration adopted at the United Nations Conference on the Human Environment;

(e) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(f) To conduct country visits and to respond promptly to invitations from States;

(g) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities when addressing climate change and environmental degradation, strengthening and promoting

[3] A/HRC/46/28.
[4] A/75/161.

women's and girls' leadership, decision-making and their full, equal and meaningful participation, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment;

(h) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies, funds and programmes, including the World Health Organization, the United Nations Environment Programme, and the United Nations Development Programme, the treaty bodies and international and regional organizations, and multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(i) To submit an annual report, including conclusions and recommendations, to the Human Rights Council and to the General Assembly;

7. *Calls upon* all States, United Nations agencies, funds and programmes, other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information relating to the mandate to enable him or her to fulfil the mandate;

8. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

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

(a) To convene, prior to the fifty-second session of the Human Rights Council, an expert seminar on the role of human rights and environmental conservation in the prevention of future pandemics;

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

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

(d) To submit to the Human Rights Council, at its fifty-second 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 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 in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

11. *Notes* the launch of the One Health High-Level Expert Council in November 2020 by the World Health Organization, the Food and Agriculture Organization of the United Nations, the World Organization for Animal Health and the United Nations Environment Programme to collect, distribute and publicize reliable scientific information on the links between human, animal and environmental health in order to assist public officials in making appropriate decisions to address future crises and to inform citizens;

12. *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 natural resource management;

13. *Calls upon* States parties to intensify their efforts to advance the implementation of the Convention on Biological Diversity and to enhance their national biodiversity strategies and action plans;

14. *Appeals* to all States to consider adopting and implementing national measures that respect and protect the rights of those who are particularly vulnerable to the loss of healthy ecosystems and biodiversity;

15. *Encourages* States to apply a precautionary approach based on available scientific evidence in decisions that could harm ecosystems and biodiversity;

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

48th meeting
23 March 2021

[Adopted without a vote.]