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Overview of the implementation of the human right to a clean, healthy and sustainable environment

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, in accordance with Human Rights Council resolution [55/2](#).

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Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment

Overview of the implementation of the human right to a clean, healthy and sustainable environment

Summary

In the present report, the Special Rapporteur on the human right to a clean, healthy and sustainable environment seeks to give an overview of the state of global implementation of the human right to a clean, healthy and sustainable environment, identifying key progress as well as the most pressing challenges and opportunities. The Special Rapporteur aims to advance the understanding of differentiated impacts, considering situations of vulnerability, and through an intersectional lens. She identifies conclusions and provides recommendations to States on how to fulfil their human rights obligations.

I. Introduction

1. The recognition by the United Nations of the human right to a clean, healthy and sustainable environment, in Human Rights Council resolution 48/13 in 2021 and General Assembly resolution 76/300 in 2022, is the most important recent advancement for the effective protection of the environment and human rights. Achieved with historic support from States,¹ and after decades of efforts from United Nations entities, special procedure mandate holders, civil society, Indigenous Peoples and social movements, it highlights what coordinated collaboration can achieve.²

2. Reality also shows us the unprecedented challenge humanity faces with the triple planetary crises of climate change, biodiversity loss and environmental pollution, aggravated by systemic and increasing inequalities, humanitarian needs, increasing conflict³ and planetary boundaries being irreversibly crossed.⁴ Evidence shows that, despite current efforts to address these crises, positive results have yet to be seen, while negative impacts continue to increase dramatically.

3. It is undisputable that the way most of humanity relates with nature must change. Fully implementing the right to a clean, healthy and sustainable environment can greatly help in achieving much-needed transformations. Thus, it must be prioritized by States, international bodies, businesses and other stakeholders.

4. Respecting, protecting and implementing the right to a healthy environment can have a positively impact on millions of lives, particularly the most marginalized.⁵ Effective implementation can further help States to respect, protect and fulfil this human right and others, while improving the sustainable management of natural resources; advancing effective control and monitoring of public and private businesses; improving coordination among entities and States; and catalysing effective solutions to address the triple planetary crises. Considering the human and economic costs the crises are causing, guaranteeing that right can benefit national economies, while helping to create economic systems centred on protecting human rights and nature, for current and future generations.

5. The implementation of the right to a healthy environment faces several challenges as its content is broad, interrelated and transversal to multiple areas. Fortunately, the five-decade-long process of recognizing and defining its content⁶ contributes important lessons towards its effective and material implementation. Moreover, numerous decisions from international and regional human rights bodies, jurisprudence and soft law complement the solid body of law by which we understand the content of the right, its relationship with other rights and States' and non-States' obligations.

6. The process of clarifying the content of the right to a healthy environment continues to evolve, like other human rights. While its application varies in different regions and States, the richness of current and ongoing legal development constitutes

¹ The General Assembly resolution was adopted by 161 votes in favour, zero against and 8 abstentions.

² In 2021 over 1,350 Indigenous Peoples, civil society, local communities and social movements called upon States to recognize the right to a healthy environment.

³ See United Nations Environment Programme (UNEP) and International Science Council, *Navigating New Horizons: A Global Foresight Report on Planetary Health and Human Wellbeing* (Nairobi, 2024).

⁴ Katherine Richardson and others, "Earth beyond six of nine planetary boundaries", *Sciences Advances*, vol. 9, No. 37 (September 2023).

⁵ See UNEP, *Environmental Rule of Law: Tracking Progress and Charting Future Directions* (Nairobi, 2023).

⁶ Human Rights Council resolution 37/59.

an important source for States, international institutions, Indigenous Peoples, civil society, Afrodescendent communities, peasants, social movements, women, young people, children and others to understand this right and advance policies, laws and decisions to implement it.

7. Building on this development, and in line with the Human Rights Council resolution 55/2, in the present report, the Special Rapporteur on the human right to a clean, healthy and sustainable environment presents an overview of the implementation of the human right to a clean, healthy and sustainable environment. First, she describes the universal recognition and implementation of the right, recalling key developments. Second, she summarizes its content, describing how its procedural and substantive elements are being recognized and understood, including the main premises for further clarification work. Third, she describes major challenges to implementing the right to a healthy environment, concluding with opportunities to advance that right, which the Special Rapporteur will be focusing on in the future. Recognizing existing inconsistencies between reality in territories, especially for people and groups in vulnerable situations, and what international law and State and business commitments prescribe, the mandate will prioritize understanding and closing these gaps.

8. The Special Rapporteur issued a call for input to inform her report in May of 2024. She thanks the Governments of Argentina, Australia, Austria, Azerbaijan, Brazil, Colombia, Cuba, Czechia, El Salvador, Honduras, Italy, Iraq, Mexico, Peru, Poland, Qatar, Senegal, Saudi Arabia and Spain, as well as over 60 subnational authorities and organizations representing women, Indigenous Peoples, young people, civil society and academia, for their responses and thoughtful inputs.⁷

9. The Special Rapporteur extends her appreciation to everyone who participated in a consultation in Manaus, Brazil, in May 2024 at the end of hearings of the Inter-American Court of Human Rights. Participants shared their experiences and insights on challenges related to the implementation of the right to a healthy environment and opportunities for improvement.

II. Recognition in universal and regional processes

A. Historic development of the right to healthy environment at the United Nations

10. The historical recognition by the United Nations of the right to a clean, healthy and sustainable environment was a result of a long process dating back more than 50 years. In 1972, at the United Nations Conference on the Environment, held in Stockholm, States declared that: “Man has 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”.⁸

11. States have since adopted a range of resolutions on the interlinkages between the environment and the enjoyment of human rights. In 1992, the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights nominated Fatma Zohra Ksentini as Special Rapporteur on human rights and the environment to conduct a three-year study, adopted in 1994.

⁷ Submissions are available at www.ohchr.org/en/calls-for-input/2024/call-input-overview-implementation-right-clean-healthy-and-sustainable.

⁸ See Declaration of the United Nations Conference on the Human Environment (A/CONF.48/14/Rev.1, part one, chap. I, principle 1).

12. In 2002, the World Summit on Sustainable Development adopted the Plan of Implementation of the World Summit on Sustainable Development, acknowledging the consideration of the possible relationship between the environment and human rights, including the right to development.⁹ The Commission followed with resolutions 2003/71 and 2005/60 on human rights and the environment as part of sustainable development.

13. In 2008, the Human Rights Council adopted its resolution 7/23, its first on human rights and climate change, followed in 2011 by its resolution 16/11, its first on human rights and the environment. Later, in its resolution 19/10, it appointed an independent expert to articulate the links between human rights and the environment. The mandate has since been renewed as the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. On 3 April 2024, in resolution 55/2, the mandate was extended, and its title changed to the Special Rapporteur on the human right to a clean, healthy and sustainable environment. The current Special Rapporteur, Astrid Puentes Riaño, took office on 1 May 2024.¹⁰

14. On the basis of decades of developments, the first Special Rapporteur, John Knox, described procedural aspects of the right, which include access to environmental information, participation and access to justice and effective remedy. His successor, David Boyd, clarified in his reports that, legally, the right to a healthy environment also includes clean air, a safe climate, safe and sufficient water, healthy and sustainable food, a toxic-free environment and healthy ecosystems and biodiversity.¹¹ The right to a healthy environment is an integral part of the effective enjoyment of all human rights, as they are interdependent, inalienable and indivisible.

15. In 2018, the mandate published a set of framework principles on human rights and the environment that summarized three categories of State obligations: procedural, substantive and special obligations towards those in vulnerable situations.¹² The 16 framework principles clarified the basic obligations of States under human rights law related to the enjoyment of a safe, clean, healthy and sustainable environment, including precautionary and preventive principles.

16. In parallel, United Nations declarations advanced the recognition of the right to a healthy environment for some groups. The United Nations Declaration on the Rights of Indigenous Peoples includes the right to conservation and protection of the environment and Indigenous Peoples' lands, territories and resources. Furthermore, the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas recognizes the special relationship and interaction between peasants and other people working in rural areas and the land, water and nature that they depend on for their livelihoods.

17. United Nations treaty bodies have also contributed significantly to clarifying States' obligations regarding the human right to a healthy environment and the interlinkages with other rights. In its general comment No. 26 (2023) on children's rights and the environment with a special focus on climate change, the Committee on the Rights of the Child confirmed that children have a right to a healthy environment. In its general recommendation No. 39 (2022) on the rights of Indigenous women and

⁹ A/CONF.199/20, para. 169.

¹⁰ See www.ohchr.org/en/special-procedures/sr-environment.

¹¹ A/HRC/37/59, A/HRC/40/55, A/HRC/46/28, A/HRC/49/53, A/75/161 and A/76/179. See full list of the mandate's reports available at www.ohchr.org/en/special-procedures/sr-environment/annual-thematic-reports.

¹² A/HRC/37/59, annex.

girls, the Committee on the Elimination of Discrimination against Women also recognizes this right.

B. Right to a healthy environment in multilateral negotiations

18. The right to a healthy environment has been incorporated in international agreements since it was recognized, including in the outcomes from the twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change, in 2022,¹³ and the fifteenth Conference of the Parties to the Convention on Biological Diversity.¹⁴

19. In 2023, the fifth session of the International Conference on Chemicals Management adopted the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste, referencing General Assembly resolution [76/300](#) on the human right to a healthy environment. The conference also adopted the Bonn Declaration for a Planet Free of Harm from Chemicals and Waste, noting Assembly resolution [76/300](#) and its importance for the promotion of human well-being and the full enjoyment of all human rights.

C. Regional recognition of the right to a healthy environment

20. The right to a healthy environment is expressly recognized and protected in several regional instruments.

21. The African Charter was the first regional instrument to recognize the right to a healthy environment. Article 24 of the African Charter on Human and Peoples' Rights states that "all peoples shall have the right to a general satisfactory environment favourable to their development." Article 18 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union, further states that women shall have "the right to live in a healthy and sustainable environment".

22. Since 2001, the African Commission on Human and Peoples' Rights has protected the right to a healthy environment, for example, in the case of the Ogoni people versus Nigeria, where massive pollution by the oil industry was found to have violated this right under the African Charter.¹⁵

23. Article 38 of the Arab Charter on Human Rights includes the right to a healthy environment, stating: "Every person has the right to an adequate standard of living for himself and his family, which ensures their well-being and a decent life, including food, clothing, housing, services and the right to a healthy environment." The Charter has no institution for its implementation nor for its enforcement.

24. The Association of Southeast Asian Nations (ASEAN) Declaration on Human Rights (2012) includes the right to a healthy environment, noting it constitutes an unenforceable political declaration. South-East Asia is developing a regional treaty regarding the right to a safe, clean, healthy and sustainable environment, access to information, public participation and access to justice in environmental matters. The Special Rapporteur sent a communication to inform the process and intervened at the

¹³ See www.un.org/en/climatechange/cop27.

¹⁴ See www.cbd.int/gbf.

¹⁵ See African Commission on Human and Peoples' Rights, Decisions on communications, "Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR): Nigeria", decision No. 115/96, para. 52. Available at <https://achpr.au.int/>.

fifth meeting of the ASEAN Environmental Rights Working Group, to be held in June 2024.¹⁶

25. The Convention for the Protection of Human Rights and Fundamental Freedoms does not include the right to a healthy environment. However, the European Court of Human Rights has given a ruling in over 300 environment-related cases recognizing human rights violations. The Court's progressive jurisprudence has concluded that pollution, whether human-made or as a result of natural disasters, and the denying of access to information or participation, can have an impact on recognized human rights, including on the right to private and family life, free speech and access to information.

26. On 9 April 2024, in the *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* case, the European Court of Human Rights found that article 8 of the Convention encompasses a right of individuals to effective protection by State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life.¹⁷

27. European jurisprudence strictly protects the implementation of the rights recognized in the Convention. This restrictive approach limits the protection provided in environmental matters. Therefore, the ongoing process towards expressing recognition of the right to a healthy environment will hopefully soon result in a more complete and coherent recognition.

28. In 2021, the Parliamentary Assembly of the Council of Europe proposed a new protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms establishing the right to a healthy environment.¹⁸ In the Reykjavik Declaration: United around Our Values, the Council of Europe further commits to strengthening its work on the human rights aspects of the environment, on the basis of the recognition of the human right to a healthy environment.

29. The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) of the Economic Commission for Europe (ECE), to which the European Union is a party, recognizes the right to a healthy environment. It also calls for parties to guarantee access to information, public participation in decision-making and access to justice in environmental matters. This instrument is not limited to the ECE region, as Guinea Bissau has been welcomed as a party in 2021.

30. In the inter-American system, article 11 (1) of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights recognizes everyone's right to "live in a healthy environment." In 2017, the Inter-American Court of Human Rights ruled that the right to a healthy environment is an autonomous right with an individual and collective perspective, also protecting future generations. The Court stated that: "Environmental degradation may cause irreparable harm to human beings; thus, a healthy environment is a fundamental right for the existence of humankind".¹⁹

31. In the case *Community of La Oroya v. Peru*, published in March 2024, the Inter-American Court of Human Rights held Peru responsible for its failure to protect the inhabitants of the city and for violating their right to a healthy environment, and the rights to information, participation and access to justice.²⁰ The population had

¹⁶ Reference No. OL OTH 111/2024.

¹⁷ See European Court of Human Rights, *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment, 9 April 2024.

¹⁸ See <https://pace.coe.int/en/news/8452/the-right-to-a-healthy-environment-pace-proposes-draft-of-a-new-protocol-to-the-european-convention-on-human-rights->

¹⁹ See Inter-American Court of Human Rights, Advisory Opinion, OC-23-17, 15 November 2017.

²⁰ See www.corteidh.or.cr/docs/casos/articulos/seriec_511_esp.pdf, available in Spanish only.

been exposed to toxic pollution from a smelter complex that had operated without adequate controls for a century in what the Court recognized as a “sacrifice zone”.²¹ The decision constitutes the strongest and most comprehensive ruling of any regional human rights court on the right to a healthy environment so far.

32. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement) aims to contribute “to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development” (art. 1). It also requires that “each Party shall guarantee the right of every person to live in a healthy environment” (art. 4).

D. Relevant international law developments

33. Jurisprudence from the International Court of Justice provides an important interpretation regarding States’ obligations in relation to the environment, including regarding environmental damages affecting other States in a transboundary context. Jurisprudence includes the obligation to conduct environmental impact assessments prior to the development of projects or activities that may risk causing a significant harm, and to notify and consult with potentially affected States regarding the potential harm.²² Also relevant is the principle of international law establishing “that the breach of an engagement involves the obligation to make a reparation in an adequate form”.²³

34. Three advisory opinions have recently been requested in order to clarify international obligations related to climate change and that are of great significance to environmental matters and human rights: to the International Tribunal for the Law of the Sea; the International Court of Justice; and the Inter-American Court of Human Rights. These are opportunities to further clarify the scope and content of the right to a healthy environment.

35. On 21 May 2024, the International Tribunal for the Law of the Sea delivered its first climate-related advisory opinion, clarifying States’ obligations to protect oceans from drivers and impacts of climate change.²⁴ The Tribunal underscored that States have obligations under the law of the sea, which are additional to those contained in the 2015 Paris Agreement. The Tribunal emphasized the precautionary and ecosystem approaches in the context of States’ obligations to conduct environmental and socioeconomic assessments of any activity that may cause climate change-related marine pollution. Considering the implications of ocean pollution to human rights, the decision by the Tribunal should be interpreted in line with and complementing international human rights law.²⁵

36. A request for an advisory opinion on human rights and the climate emergency was submitted to the Inter-American Court of Human Rights, asking for clarification of the grounds and scope of human rights affected by the climate emergency,

²¹ See [A/HRC/49/53](#).

²² See *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, *I.C.J. Reports 2010*, p. 14 and *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, Judgment, *I.C.J. Reports 2015*, p. 665.

²³ See *Case concerning the factory at Chorzów (Germany v. Poland)*, Judgment No. 8, *P.C.I.J. Series A. No. 9*, 26 July 1927.

²⁴ See International Tribunal for the Law of the Sea, *Request for an advisory opinion submitted by the Commission of Small Island States on Climate Change and International Law*, No. 31, 21 May 2024.

²⁵ [A/HRC/56/46](#).

considering the right to a healthy environment.²⁶ The request encompassed a wide range of legal issues related to climate mitigation, adaptation and loss and damage, placing significant attention on the benefits of human rights' obligations in advancing just, equitable and sustainable responses to climate change. The hearings have concluded, and a final decision is expected in 2025.

37. The United Nations has adopted a landmark resolution asking the International Court of Justice to deliver an opinion on climate change and the legal consequences countries face for harming the environment.²⁷ The request specifically referenced the global recognition of the right to a healthy environment. The decision is expected to be rendered in 2025.

III. Substantive and procedural elements of the right to a clean, healthy and sustainable environment

38. As the human right to a clean, healthy and sustainable environment is a compound right, substantive and procedural elements have been identified by previous mandate holders. These elements are interconnected; therefore, the implementation of programmes, policies and projects must be done with a holistic approach. A summary of this right is presented below, acknowledging that some of these elements are fully understood in international and human rights law, while others require further clarification and development. This is an effort with which the Special Rapporteur will be assisting States.

A. Procedural elements

39. Access to information, participation and access to justice are essential elements of the right to a clean, healthy and sustainable environment, as established by principle 10 of the Rio Declaration on Environment and Development,²⁸ and are also recognized human rights. Several States include some or all the elements in their constitutional recognition of the right to a healthy environment.²⁹ Recommendations to understand these elements have been developed, including the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines).

1. Access to information

40. Adequate, effective and reliable information is essential in order to protect the environment and other human rights, including the rights to life, health and integrity. International human rights law recognizes that everyone has the right to seek, receive and impart information.³⁰ Information is fundamental not only to understanding how environmental harms have differentiated impacts on individuals and groups of people, depending on their situation of vulnerability, but also to implementing effective protective measures.

²⁶ See Inter-American Court of Human Rights, *Request for an advisory opinion on the Climate Emergency and Human Rights submitted to the Inter-American Court of Human Rights by the Republic of Colombia and the Republic of Chile*, 9 January 2023.

²⁷ See United Nations, "General Assembly adopts resolution requesting International Court of Justice provide advisory opinion on States' obligations concerning climate change", press release, 29 March 2023.

²⁸ [A/CONF.151/26](#) (Vol. I).

²⁹ [A/HRC/43/53](#).

³⁰ See Universal Declaration of Human Rights, art. 19 and International Covenant on Civil and Political Rights, art. 19.

41. States have the obligation to provide access to environmental information that should be affordable, effective, timely, accessible to everyone,³¹ accurate and reliable,³² including information related to the causes and consequences of climate change and the environmental crises.³³ States must make environmental information available to children and their parents and caregivers, making it accessible for different ages and capacities.

42. Regionally, the Inter-American Court of Human Rights has reiterated that the American Convention on Human Rights protects the right of every person to request information under the control of the State,³⁴ stating that the principle of maximum disclosure is indispensable in democratic societies, thus authorities should be governed by the presumption that all information is made accessible, and only restricted in legally established exceptions. Active transparency is vital for the enjoyment of other rights, especially regarding matters of public interest, such as information related to the exploration and exploitation of natural resources. The European Court of Human Rights has also concluded that States have the obligation to establish accessible procedures guaranteeing the availability of relevant information when engaged in hazardous activities,³⁵ and that, furthermore, failure to guarantee access to information to journalists on environmental degradation, when not prescribed by law, violates article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms.³⁶

2. Public participation

43. Everyone has the human right to effectively and meaningfully participate in their Government and public affairs.³⁷ States should proactively provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process.³⁸

44. Adequate participation requires equal and effective protection against discrimination, as well as meaningful, informed, inclusive and equitable processes regarding environmental and climate decisions. Therefore, people and groups in potentially vulnerable situations must effectively be part of the decision-making process.³⁹ Effective and well-timed public participation can provide States and other actors with valuable information regarding decisions affecting the environment and climate, thereby contributing to avoiding and solving conflicts.⁴⁰

45. Participation also includes respecting and protecting the rights to freedom of expression, association and peaceful assembly related to environmental and climate

³¹ A/HRC/37/59.

³² See Committee on the Rights of the Child, general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change.

³³ See David R. Boyd, Special Rapporteur on the human right to a clean, healthy and sustainable environment, *The Right to a Healthy Environment: A User's Guide* (Geneva, OHCHR, 2024).

³⁴ See Inter-American Court of Human Rights, *Claude Reyes et al. v. Chile*, paras. 77 and 92, and *La Oroya v. Peru*, para. 146.

³⁵ See European Court of Human Rights, *McGinley and Egan v. the United Kingdom*, Applications Nos. 21825/93 and 23414/93, Judgment, 9 June 1998 and *Roche v. the United Kingdom*, Application No. 32555/96, Judgment, 19 October 2005.

³⁶ See European Court of Human Rights, *Rovshan Hajiyev v. Azerbaijan*, Applications Nos. 19925/12 and 47532/13, Judgment, 9 December 2021.

³⁷ Universal Declaration of Human Rights, art. 21; and International Covenant on Civil and Political Rights, art. 25.

³⁸ A/HRC/37/59, annex, framework principle 9.

³⁹ See Boyd, *The Right to a Healthy Environment*.

⁴⁰ See Inter-American Court of Human Rights, *La Oroya v. Peru*.

matters,⁴¹ and avoiding restrictions not aligned with international law.⁴² States have the obligation to guarantee safe civic spaces for all environmental, climate and human rights defenders, who must be free from any stigmatization, intimidation, criminalization and violence. Furthermore, States must diligently investigate, prosecute and punish perpetrators of such acts, while addressing the root causes of environmental and climate-related conflicts. This includes those at high risk as a result of their efforts in protecting their lands, the environment and climate, such as Indigenous Peoples, young people, children, women, journalists and scientists.⁴³

46. States must ensure age-appropriate, safe and accessible spaces and adequate time and resources for children to be involved at the local, national and international levels in matters related to human rights and environmental issues.⁴⁴ Children's participation is crucial as they represent present and future generations.⁴⁵

3. Access to justice

47. Access to justice and effective remedy are independently recognized human rights,⁴⁶ and crucial elements to guarantee the right to a healthy environment. As an Indigenous People's organization mentioned in its contribution, access to courts has been a last resort in order to advance the protection of their rights on environmental issues, when efforts at the legislative or executive powers have not been useful. Even when compliance with court decisions is challenging, it has helped in advancing policy and legislation, thereby benefiting the public interest.

48. In relation to the environment, States should provide for access to effective remedies for violations of human rights and domestic laws.⁴⁷ Effective justice includes simple, affordable, accessible and timely processes, and the accountability of States and businesses, and those responsible for lack of compliance with environmental, human rights or climate laws.⁴⁸

49. States have been held internationally responsible for not granting effective access to justice and remedies in situations related to the environment or climate,⁴⁹ including regarding climate disasters.⁵⁰ The lack of enforcement of laws or judgments can also result in international responsibility of States.

⁴¹ A/HRC/37/59, annex, framework principle 5.

⁴² See Committee on the Rights of the Child, general comment No. 26 (2023); see also A/HRC/56/46 and A/HRC/56/50.

⁴³ See OHCHR, Special Rapporteur on human rights defenders, "The Declaration on human rights defenders in different languages", available at www.ohchr.org/; see also A/71/281 and A/HRC/56/46.

⁴⁴ See Committee on the Rights of the Child, general comment No. 26 (2023).

⁴⁵ See Maastricht Principles on The Human Rights of Future Generations, adopted in Maastricht, the Kingdom of the Netherlands, in 2003.

⁴⁶ See Universal Declaration of Human Rights, arts. 8 and 10.

⁴⁷ A/HRC/37/59, annex, framework principle 10.

⁴⁸ See Inter-American Court of Human Rights, *Claude Reyes et al. v. Chile* and *Boyd, The Right to a Healthy Environment*.

⁴⁹ See European Court of Human Rights, *Verein Klimasenioren Schweiz and Others v. Switzerland*; Inter-American Court of Human Rights, *Claude Reyes et al. v. Chile* and *La Oroya v. Peru*.

⁵⁰ See European Court of Human Rights, *Öneyildiz v. Turkey*, Application No. 48939/99, Judgment, 30 November 2004; *Budayeva and others v. Russia*, Applications Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02; and Inter-American Court of Human Rights, *La Oroya v. Peru*.

B. Substantive elements

1. Clean air

50. Breathing clean air is indispensable for everyone. Mr. Boyd previously provided an overview on clean air and recommendations for States to protect it.⁵¹ These included the effective control and monitoring of air pollution sources and improving and enforcing legislation, while attending to the most affected areas and communities.

51. Despite the importance of clean air, measures rendering substantial positive impacts have yet to be implemented. In 2021, 8.1 million lives were lost to air pollution, making it the second leading risk factor for death.⁵² Moreover, air pollution is directly related to global inequalities, as 89 per cent of all deaths caused by it happen in low- and middle-income countries.⁵³ Women's and girls' health and lives are significantly more affected by household air pollution,⁵⁴ while today around 2 billion children live in areas exceeding World Health Organization (WHO) limits for clean air.⁵⁵

52. Important efforts are ongoing to address this situation, including from WHO and other United Nations agencies, States and civil society. The mandate has received inputs from States on the positive effects of legislation targeting clean air.⁵⁶ Increasing these efforts should be prioritized, including addressing the root causes of air pollution with a human rights-based approach, reducing fossil fuel use, advancing energy transition and renewable energies, and better planning, among others.

2. Safe climate

53. Climate change threatens the well-being of humans and planetary health, evidencing the importance of guaranteeing a safe climate. Impacts have been recognized for years and are increasingly affecting human rights, including all elements of the right to a healthy environment. Rising temperatures and sea level, extreme weather events and changes in rain patterns are causing more intense fires, droughts and heat waves, among others.⁵⁷ While 2023 was the warmest year ever registered, high temperatures continue to break historic records.⁵⁸ Information received described impacts that are threatening lives and increasing poverty, such as severe water shortages, increases in water pollution and declining potable water and agricultural produce.⁵⁹

⁵¹ [A/HRC/40/55](#).

⁵² See Health Effects Institute, *State of Global Air 2024: A Special Report on Global Exposure to Air Pollution and its Health Impacts, with a Focus on Children's Health* (Boston, Massachusetts, United States, 2024).

⁵³ See World Health Organization (WHO), "Ambient (outdoor) air pollution", fact sheet, 19 December 2022.

⁵⁴ See WHO, "Household air pollution", fact sheet, 15 December 2023.

⁵⁵ See Nicolas Rees, *Clear the Air for Children: The impact of Air Pollution on Children* (New York, UNICEF, 2016).

⁵⁶ Submission from Czechia and Poland.

⁵⁷ See Sonia I. Seneviratne and others, "Weather and climate extreme events in a changing climate", in *Climate Change 2021: The Physical Science Basis – Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Valérie Masson-Delmotte and others, eds. (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press and New York).

⁵⁸ See World Meteorological Organization (WMO), *State of the Global Climate 2023*, WMO Series, No. 1347 (Geneva, 2024). and WMO, "Global temperature record streak continues, as climate change makes heatwaves more extreme", 15 May 2024.

⁵⁹ Submissions from Iraq and Qatar.

54. Climate impacts affect everyone. However, systemic inequalities cause those who have contributed the least to suffer significantly higher disproportional impacts, including small island States.⁶⁰ Globally, the 10 per cent of the population with the highest income and consumption is responsible for half of all emissions, while the 50 per cent of the population with the lowest income accounts for 12 per cent of emissions.⁶¹ Over 3 billion people live in highly vulnerable climate change regions, where mortality rates from floods, droughts and storms were 15 times higher between 2010 and 2020,⁶² and millions are or will be forcibly displaced owing to climate impacts.⁶³ It is well documented that gender-based violence tends to rise with climate impacts, including climate-related disasters.⁶⁴

55. There are ongoing efforts from States and businesses to reduce climate change, including by increasing commitments, policies and net zero targets. Despite that, scientific evidence shows that current objectives and commitments are well below what is needed, while emissions, ecosystem degradation and fossil fuels dependency continue to increase.⁶⁵ Litigation by civil society, social movements and cities to hold Governments and companies accountable, in some cases referencing the right to a healthy environment, has been used to advance accountability, climate action and better policies and laws.⁶⁶

56. The urgency to implement actions aligned with the best available science, respecting the human right to a healthy environment and other human rights, is undeniable.⁶⁷ This is particularly true as some climate actions, including maladaptation, greenwashing and geoengineering, are worsening the situation, threatening climate safety and thus a healthy environment.⁶⁸

57. Climate impacts stand in contrast to the opportunities available to stop, mitigate, reduce or remediate them. As stated by Special Rapporteurs, the scientific community and many others, a window of opportunity still exists to secure a sustainable future for all, although it is rapidly closing.⁶⁹ Deep, rapid and sustained reductions in greenhouse gas emissions are urgently needed and will lead to a substantial slowdown in global warming within two decades, and to noticeable changes within a few years.⁷⁰

⁶⁰ See Intergovernmental Panel on Climate Change, “Summary for policymakers”, in *Climate Change 2023: Synthesis Report*, Core Writing Team, Hoesung Lee and José Romero, eds. (Geneva, 2023).

⁶¹ See UNEP, *Emissions Gap Report 2023: Broken Record – Temperatures Hit New Highs, Yet World fails to cut Emissions (again)* (Nairobi, 2023).

⁶² See Intergovernmental Panel on Climate Change, “Summary for policymakers”, in *Climate Change 2023*.

⁶³ See Migration Data Portal, Types of migration, “Environmental migration”. Available at www.migrationdataportal.org/themes/environmental_migration_and_statistics (last updated on 5 June 2024).

⁶⁴ See FCCC/SBI/2022/7, A/77/136 and A/77/170.

⁶⁵ See UNEP, *Emissions Gap Report 2023*.

⁶⁶ See Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2024 Snapshot*, Policy report (London, Grantham Research Institute on Climate Change and the Environment, and London School of Economics and Political Science, 2024).

⁶⁷ A/HRC/48/61.

⁶⁸ See United Nations, “Greenwashing: the deceptive tactics behind environmental claims”. Available at www.un.org/en/climatechange/science/climate-issues/greenwashing.

⁶⁹ A/74/161 and A/HRC/56/46.

⁷⁰ See Intergovernmental Panel on Climate Change, “Summary for policymakers”, in *Climate Change 2023*.

3. Safe and sufficient water

58. Access to safe and sufficient water is also vital for a healthy environment. Mr. Boyd assessed this element, recommending actions to securing it for all.⁷¹ This complements the human right to water and sanitation⁷² and work done by the Special Rapporteur on the human right to safe drinking water and sanitation.⁷³

59. Today, half of the world's population lacks adequate access to safe drinking water, sanitation and hygiene,⁷⁴ and 1.7 billion people do not have an alternative to drinking contaminated water.⁷⁵ In 2021, the number of people living in water-stressed countries increased to 2 billion owing to climate change.⁷⁶ People and communities in Africa, Asia, Central and South America, the least developed countries, small islands and the Arctic are particularly affected.⁷⁷

60. The situation is worse for those in vulnerable situations. Over 75 per cent of all water-related deaths have occurred in African and South-East Asian regions.⁷⁸ Increasing inequalities have also resulted in more people without safe drinking water in high-income countries.⁷⁹ Women and girls are often expected to gather water for their households in inaccessible and unsafe areas, leading to greater risks in terms of their rights, and even school dropouts.⁸⁰ Many Indigenous Peoples are also highly limited in their access to safe and sufficient water.⁸¹

61. Extractive industries, including mining, energy and the agribusiness sectors, along with inadequate planning and privatization of water sources, were among the main drivers of water scarcity and pollution, according to contributions received. Actions to address this situation include programmes, incorporation in national planning, legislation and adaptation plans.⁸²

4. Healthy and sustainable food

62. Healthy and sustainable food implies the production of food avoiding environmental and human health harms, and the protection of food systems. In 2022, 30 per cent of the global population suffered from moderate or severe food insecurity.⁸³ The largest drivers of this, as also highlighted by the Special Rapporteur on the right to food, include climate change, the coronavirus disease (COVID-19) pandemic and conflict.⁸⁴ Women and girls are particularly at risk, and make up 60 per

⁷¹ [A/HRC/46/28](#).

⁷² General Assembly resolution [64/292](#).

⁷³ See www.ohchr.org/en/special-procedures/sr-water-and-sanitation.

⁷⁴ See WHO, "Improving access to water, sanitation and hygiene can save 1.4 million lives per year, says new WHO report", 28 June 2023.

⁷⁵ See UN-Water, *Summary Progress Update 2021: SDG 6 – Water and Sanitation for All* (Geneva, 2016).

⁷⁶ *Ibid.*

⁷⁷ See Intergovernmental Panel on Climate Change, "Summary for policymakers", in *Climate Change 2023*.

⁷⁸ See WHO, "Improving access to water, sanitation and hygiene".

⁷⁹ See Joe Brown and others, "The effects of racism, social exclusion, and discrimination on achieving universal safe water and sanitation in high-income countries", *The Lancet Global Health*, vol. 11, No. 4 (April 2023).

⁸⁰ See UN-Water, Water facts, "Water and gender". Available at www.unwater.org/water-facts/water-and-gender.

⁸¹ [A/HRC/51/24](#).

⁸² Submissions from Austria, Brazil, Colombia, Czechia, Ecuador and Iraq.

⁸³ See Food and Agriculture Organization of the United Nations (FAO) and others, *The State of Food Security and Nutrition in the World: Financing to End Hunger, Food Insecurity and Malnutrition in All its Forms* (Rome, 2024).

⁸⁴ See [A/HRC/52/40](#), [A/77/177](#), [A/76/237](#).

cent of the people globally who suffer from extreme hunger.⁸⁵ Lack of formal land and tenure rights jeopardize the right to food for millions of Indigenous Peoples,⁸⁶ who are also affected by high contamination from mining on their lands.⁸⁷

63. States are increasingly aware that food security is an integral part of environmental and climate actions. Recognizing that pesticides used in food production can be harmful to the environment and health, the regulation, control and minimizing of their use can lead to more sustainable food production.⁸⁸ Implementing agroecology systems in a participatory and inclusive way, including organic farming, climate-smart agriculture, decreasing the use of pesticides and restoring soil health, will increase sustainable food and biodiversity while reducing pollution and greenhouse gas emissions.⁸⁹ Addressing climate change-related impacts on food security requires all types of knowledge, including from Indigenous Peoples, women and young people, in formal and informal ways.⁹⁰

5. Non-toxic environments

64. A healthy environment includes the right for everyone to enjoy non-toxic environments in which to live, study, work and play, as the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes has highlighted.⁹¹ However, today, one in six premature deaths is caused by pollution and toxic substances, which is 15 times higher than the number of premature deaths caused by all wars, murders and violence. A staggering 92 per cent of all pollution-related deaths occur in low- and middle-income countries,⁹² while exposure within high-income countries is also unequally distributed, often linked to different types of structural discrimination.⁹³ Annually, 750,000 workers die from causes related to occupational exposure to toxic substances.⁹⁴

65. States and regions are working on phasing out and banning the most toxic substances. Nevertheless, due to uncontrolled production demands, the overall production, use and disposal of hazardous chemicals continue to increase rapidly, with production doubling in the period 2000–2017 and projected to double again by 2030.⁹⁵

66. Global treaties related to a non-toxic environment include the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Minamata Convention on Mercury. Other relevant treaties are the Bamako Convention on the Ban of the Import into Africa and

⁸⁵ See www.wfpusa.org/drivers-of-hunger/gender-inequality/.

⁸⁶ See Janis Alcorn, “Tenure and Indigenous Peoples: the importance of self-determination, territory, and rights to land and other natural resources”, *Landlinks*, 1 July 2013.

⁸⁷ [A/77/183](#).

⁸⁸ See WHO, “Pesticide residues in food”, 15 September 2022.

⁸⁹ See [A/76/179](#).

⁹⁰ See Cheikh Mbow and others, “Food security”, in *Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems*, Valérie Masson-Delmotte and others, eds. (Cambridge, United Kingdom, Cambridge University Press and New York).

⁹¹ [A/HRC/49/53](#).

⁹² See Richard Fuller and others, “Pollution and health: a progress update”, *The Lancet Planetary Health*, vol. 6, No. 6 (June 2022).

⁹³ Dorceta E. Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (New York, New York University Press, 2014).

⁹⁴ See WHO and International Labour Organization, *Global Monitoring Report: WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016* (Geneva, 2021).

⁹⁵ UNEP, *Global Chemicals Outlook II: From Legacies to Innovative Solutions – Implementing the 2030 Agenda for Sustainable Development* (Nairobi, 2019).

the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, the Protocol on Pollutants Release and Transfer Registers and the Escazú Agreement. Existing international commitments require substantial implementation to achieve actual needed improvements. Examples of compliance include legislations from 60 States prohibiting all types of toxic asbestos, which led to a 30 per cent decrease in worldwide consumption of asbestos from 2010 to 2016.⁹⁶

6. Healthy ecosystems and biodiversity

67. Healthy ecosystems and biodiversity are vital for all beings and essential to human food, medicine, cultural practices and shelter, among others. However, one million of the world's species of plants and animals are threatened with extinction,⁹⁷ and close to 90 per cent of global marine fish stocks are exploited or depleted.⁹⁸ The decline in biodiversity is caused primarily by habitat loss, the unsustainable use of natural resources, climate change, desertification and pollution.⁹⁹

68. Biodiversity loss is having a significant impact on human rights, especially of those more directly dependent on it, including Indigenous Peoples, Afrodescendent communities, peasants and other rural communities. Therefore, it is vital to recognize and ensure Indigenous Peoples' land rights and the rights of others, as mandated under international law,¹⁰⁰ recalling also that forests legally owned by Indigenous Peoples have lower rates of deforestation and improved biodiversity.¹⁰¹

69. The Convention on Biological Diversity, with its 196 States parties,¹⁰² was established to protect biodiversity and compliance with the Convention, respecting all human rights, and is essential for a healthy environment. The Kunming-Montreal Global Biodiversity Framework, adopted by 190 States, aims to protect 30 per cent of the planet by 2030.¹⁰³ Already, 39 States are protecting 30 per cent of their land,¹⁰⁴ while 13 States are doing the same for their maritime territory.¹⁰⁵

70. Actions towards healthy biodiversity and ecosystems include systemic transitions, such as a clean energy, a shift to a circular economy, a decrease in material consumption and production by wealthy individuals and nations, accountability and remediation actions.¹⁰⁶

⁹⁶ See Boyd, *The Rights to a Healthy Environment*.

⁹⁷ See Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, "Media release: nature's dangerous decline 'unprecedented'; species extinction rates 'accelerating'", 5 May 2019.

⁹⁸ See <https://datatopics.worldbank.org/sdgatlas/archive/2017/SDG-14-life-below-water.html>.

⁹⁹ See Switzerland, Federal Office for the Environment, "Global biodiversity". Available at www.bafu.admin.ch/.

¹⁰⁰ See Human Rights Council resolution 39/12.

¹⁰¹ See Boyd, *The Rights to a Healthy Environment* and UNEP, "Global diversity loss", Sustainable Development Goal Policy Brief, No. 3 (May 2018).

¹⁰² Available at www.cbd.int/information/parties.shtml.

¹⁰³ See UNEP, "COP15 ends with landmark biodiversity agreement", 20 December 2022 and, Kunming-Montreal Global Biodiversity Framework, available at www.cbd.int/gbf.

¹⁰⁴ See <https://data.worldbank.org/indicator/ER.LND.PTLD.ZS>, and Boyd, *The Rights to a Healthy Environment*.

¹⁰⁵ See <https://data.worldbank.org/indicator/ER.MRN.PTMR.ZS> and Boyd, *The Rights to a Healthy Environment*.

¹⁰⁶ A/75/161.

IV. Main challenges of the implementation of the right to a clean, healthy and sustainable environment

A. Economic model and unsustainable development

71. The tension between the current economic model and the systemic transformative solutions needed to protect people and the planet remains a fundamental challenge for the right to a healthy environment.¹⁰⁷ Unlimited growth and demands from institutions such as the International Monetary Fund, the World Bank and others, as well as the need to pay debt, ensure national financial stability and increase activities without considerations of the right to a clean, healthy and sustainable environment, are obstructing States from taking the required actions to protect it. This is mostly affecting low- and middle-income countries, which are highly dependent on extractive industries, and is increasing systemic inequalities.¹⁰⁸

72. International trade frameworks seem to protect the current economic system without considerations of the triple planetary crises. The World Trade Organization refers to environmental and human rights protections as reasons for potentially limiting international trade.¹⁰⁹ However, when protecting the environment and human rights is needed, for example, when applying the precautionary principle, the burden of proof on States remains too high, making such protections unviable under international trade law.¹¹⁰

73. The undue influence of some businesses at the national and the international levels constitutes another challenge to effectively protecting the right to a healthy environment.¹¹¹ Investor–State dispute settlement mechanisms are used to protect investors' interests when affected by State decisions, even when those decisions aim to protect humanity and the planet. As Mr. Boyd concluded, such agreements have a chilling effect regarding measures to protect the environment and climate action.¹¹²

74. False solutions are delaying effective climate action and environmental protection. The inadequate control and monitoring of business efforts to address climate change and biodiversity protection increase the risk of greenwashing,¹¹³ maladaptation, manipulation or misinformation.¹¹⁴

B. Current and worsening consequences of the triple planetary crises

75. Impacts from climate change, biodiversity loss and environmental pollution are causing loss and damage, increased poverty and conflict, with serious effects on human rights.¹¹⁵ A significant increase in the intensity of these crises has occurred in the past decade. Millions of people have lost their lives or been seriously affected, and the increasing and compounding impacts are challenging States' ability to prevent, attend to and recover from disasters.¹¹⁶

¹⁰⁷ [A/HRC/55/41](#).

¹⁰⁸ Submission from Department of Geography, University of British Columbia.

¹⁰⁹ Submission from Dr Alessandra Guida, Queen's University Belfast.

¹¹⁰ [A/78/168](#).

¹¹¹ [A/HRC/55/41](#).

¹¹² [A/78/168](#).

¹¹³ [A/HRC/56/55](#).

¹¹⁴ See Intergovernmental Panel on Climate Change, "Summary for policymakers", in *Climate Change 2023*.

¹¹⁵ See UNEP and International Science Council, *Navigating New Horizons*.

¹¹⁶ Submission from Iraq.

C. Weak rule of law

76. Environmental rule of law implies a governance system in which all persons, including public and private individuals and institutions, are accountable to laws that are public, equally enforced, independently adjudicated and consistent with human rights.¹¹⁷ The creation of more legal frameworks is in contrast to substantive effectiveness, which remains to be seen.¹¹⁸ Current environmental frameworks aim mostly at managing natural resources, without considering planetary boundaries and existing recognized human rights. Effective and comprehensive control and monitoring of the drivers of the crises, including corporate accountability mechanisms, tend to be absent. The increasing demand for critical minerals, including for clean energy technologies, is set to increase rapidly;¹¹⁹ without strong rule of law, this could cause further impacts on biodiversity, nature, food and water systems and culture.

77. Critical government tools for the adequate implementation of environmental rule of law, such as strategic environmental assessments and environmental impact assessments, are not adequately regulated and enforced. In some jurisdictions, such assessments are not binding, while in others there is no independent evaluation and such measures do not comprehensively include environmental and climate impacts. The lack of effective information and participation in these processes reduces the possibility of rights-holders to defend their rights and, as such, for States to prevent further impacts.¹²⁰

78. The right to a healthy environment has yet to be mainstreamed in all planning processes.¹²¹ This also applies to international institutions whose decisions can have negative environmental and climate consequences. For example, the International Seabed Authority, in charge of regulating deep seabed mining in areas with resources that are the common heritage of humankind,¹²² must effectively regulate these activities, guaranteeing effective access to information and participation, especially considering the human rights impacts on Indigenous Peoples, children and future generations. Information received in preparation of the present report raises concerns about the effectiveness of regulations protecting the seabed.¹²³

79. The lack of recognition of the right to a healthy environment remains a challenge in some regions and countries. In others, difficulties remain regarding unfamiliarity with the right; lack of legislation and better understanding of its content, and when and how it is violated;¹²⁴ apprehension of its implementation;¹²⁵ and complexity of coordinating authorities.¹²⁶ Ratification and effective implementation of international treaties relating to a healthy environment is incomplete, including the Escazú Agreement and the Aarhus Convention.

80. The reasons behind weak environmental rule of law vary between regions and countries, but commonly include lack of political will; the prioritization of private

¹¹⁷ See UNEP, *Environmental Rule of Law*.

¹¹⁸ *Ibid.*

¹¹⁹ See UNEP and International Science Council, *Navigating New Horizons*.

¹²⁰ Submission from the British Institute of International and Comparative Law, Acción Ecológica (Ecuador) and EnLAWTHAI Foundation (Thailand).

¹²¹ Submission from Colombia.

¹²² See www.isa.org.jm/about-isa/.

¹²³ Submission from The Pew Charitable Trusts, The Ocean Foundation, Deep Sea Conservation Coalition, and independent experts in relation to the International Seabed Authority.

¹²⁴ Submission from Defensoría del Pueblo del Estado Plurinacional de Bolivia.

¹²⁵ Submission from the Australian Capital Territory (ACT) Human Rights Commission.

¹²⁶ Submission from El Salvador.

interests over the public interest of protecting human rights, the environment and climate;¹²⁷ insufficient institutional capacities;¹²⁸ and corruption.

D. Weakening of existent policies, legal frameworks and institutions

81. Arguing for the need to attract foreign investment, reduce public spending or motivate economic growth, some countries are weakening institutions and modifying frameworks, including reducing the controls over and monitoring of extractive industries and/or deregulating important sectors, and significantly reducing budgets for the protection of the environment.¹²⁹ All of the above can have significant impacts on the protection of the human right to a healthy environment and of other rights.

E. Limitations to access to information, participation and justice

82. Obligations of States and businesses to provide access to information, participation and justice are developed and incorporated in legal frameworks; however, implementation in practice remains problematic. Obstacles remain, including elevated costs; systemic inequalities; language barriers; long, complicated and strict processes;¹³⁰ requests to provide complicated scientific evidence and prove damages; and the prescription of legal actions.¹³¹

83. Access to information in national and international jurisdictions¹³² is particularly difficult when it relates to strategic projects,¹³³ as restrictions due to commercial and security protections prevent crucial information from being made public, even when it affects the public interest and human rights. Protection of private interests and inadequate business influence is limiting the possibility of people, especially in vulnerable situations, to gain access to vital information and effectively protect their rights. Finding an adequate balance between rights and implementing restrictions to access to information that remains in line with human rights law is vital to protecting the environment and safe climate, and should be prioritized.

F. War, conflict and illegal activities

84. War, conflict and illegal activities contribute to increases in deforestation, ecosystem and biodiversity loss, pollution and climate emissions, and violations of the right to a healthy environment and other human rights, including life, health and food.¹³⁴ It is vital to further understand environmental and climate impacts from conflict and its complexities, to develop effective measures to prevent and reduce them while advancing actions to remediate its impacts.

85. Conflict situations and other illegal activities exacerbate environmental and climate impacts and situations of vulnerability. Uncontrolled extractive activities, such as mining, deforestation and large-scale agricultural activities, tend to increase

¹²⁷ Submission from Project on Organizing, Development, Education, and Research (PODER), and Keepers of the Water Society.

¹²⁸ Submission from Guatemala and Procuraduría de los Derechos Humanos.

¹²⁹ Submission from Centro de Estudios Legales y Sociales (Argentina), FIAN Indonesia, Yayasan Lembaga Bantuan Hukum Indonesia and Nuestro Futuro (Mexico).

¹³⁰ Submission from the British Institute of International and Comparative Law.

¹³¹ Submission from Clínica Jurídica Carlos Gaviria Díaz of Universidad Industrial de Santander (Colombia).

¹³² Submission from independent experts in relation to the International Seabed Authority.

¹³³ Submission from Asian Forum for Human Rights and Development.

¹³⁴ Information from several participants at consultation.

in the presence of conflict. The rights of women, girls, Indigenous Peoples, Afrodescendent communities and forest communities are particularly at risk.

G. Increased risks for environmental human rights defenders and closing of civil spaces

86. Environmental human rights defenders face different risks linked to their work in protecting the environment and climate, including stigmatization, criminalization, threats and assassinations.¹³⁵ Other increasing risks mentioned in the contributions received include the excessive use of force and closing of civic spaces. Women and girls, Indigenous Peoples,¹³⁶ young people,¹³⁷ land rights defenders and journalists are at a greater risk.¹³⁸ These risks are exacerbated by intersectional factors. Situations of conflict, war and illegal activities increase risks further for environmental human rights defenders when defending their territories.

87. The use of strategic lawsuits against public participation, targeting environmental and climate defenders with the intention to silence and intimidate them, pose a concerning challenge. To prevent manifestly unfounded claims, the abuse of judicial systems and limitations to the protection of public interest in these situations, important measures have been developed, such as the European Directive on protecting persons who engage in public participation against strategic lawsuits against public participation.¹³⁹

V. Challenges faced by people and groups in situations of vulnerability

88. Climate and environmental impacts affect everyone, although more greatly those in more situations of vulnerability. Systemic inequalities, discrimination and historic exclusion from decision-making processes have resulted in differentiated impacts from environmental degradation, climate change and biodiversity loss on marginalized people and groups. For those groups, many other rights are also affected, such as protection against the loss of livelihood, and the rights to life, health and culture.

89. Information received by the Special Rapporteur mentioned laws granting special measures to marginalized groups, such as women, Indigenous Peoples, Afrodescendent communities, children and young people.¹⁴⁰ While such measures are important,

¹³⁵ Submissions from FIAN Indonesia, Yayasan Lembaga Bantuan Hukum Indonesia and Minority Rights Group International.

¹³⁶ See United Nations, “Guidance note for United Nations resident coordinators and country teams: supporting Governments to better respect, promote and protect environmental human rights defenders” (November 2023) and [A/71/281](#).

¹³⁷ [A/HRC/55/50](#).

¹³⁸ Submission from Keepers of the Water Society and Asian Forum for Human Rights and Development.

¹³⁹ See Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic lawsuits against public participation”) (*Official Journal of the European Union*, L 2024/1069, 16 April 2024).

¹⁴⁰ Submissions from Argentina, Colombia, El Salvador, Honduras, Mexico, Qatar, Saudi Arabia and Spain; submissions from Agora International Human Rights Group, Hungarian Civil Liberties Union, Legal Resources Centre (South Africa), Clínica Jurídica Carlos Gaviria Díaz of Universidad Industrial de Santander, Youth for Human Rights International and CARE Perú.

considering existing evidence and the situation on the ground, a greater systemic transformation in all regions towards substantive inclusion has yet to be achieved.¹⁴¹

90. Despite the fact that persons with disabilities face particular challenges regarding environmental and climate impacts, there is little documentation and fewer targeted measures and participation opportunities that take their needs into account. Challenges range from physical obstacles for effective participation to inadequate means and formats of communications to allow the direct participation of persons with disabilities.

91. Persons in situations of poverty also encounter special challenges related to access to information, participation and access to justice, and to guaranteeing their right to a healthy environment. Dire violations, such as “sacrifice zones”, mostly occur in impoverished areas.¹⁴² Even if participation spaces exist, lack of time and resources prevents their adequate involvement and the exercise of their rights, making participation a luxury many do not have.

92. Inadequate education, linked with situations of poverty, exacerbate these circumstances. Persons living in poverty face numerous daunting barriers to gaining access to justice, without the possibility to challenge crimes, abuses or human rights violations committed against them. Such obstacles include financial costs, socioeconomic exclusion, the location of courts and police stations, lack of information and unnecessarily complex and formal requirements of judicial processes.¹⁴³

93. Marginalized groups affected by environmental and climate impacts also include the LGBTQ+ community,¹⁴⁴ internally displaced people and migrants.¹⁴⁵ Compound exclusion and vulnerabilities intersect, increasing the risks to their human rights.

94. Decisions from international and regional human rights treaty bodies developing recommendations for States on how to advance an intersectional approach and implement measures to address systemic discrimination should be considered. Examples include decisions relating to the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples. The Office of the United Nations High Commissioner for Human Rights and special procedure mandate holders have also developed extensive information regarding adequate measures to increase environmental protection and guarantee the human rights of people and groups in vulnerable situations, including an intersectional approach in the context of climate change and climate actions.¹⁴⁶

¹⁴¹ Submission from COCOMASUR and Earth Rights International.

¹⁴² [A/HRC/49/53](#).

¹⁴³ Submission from Geneva Centre for Human Rights Advancement and Global Dialogue.

¹⁴⁴ See OHCHR, Independent Expert on sexual orientation and gender identity, “LGBTI and gender-diverse persons in forced displacement”. Available at www.ohchr.org/.

¹⁴⁵ [A/77/189](#).

¹⁴⁶ [A/HRC/56/46](#).

A. Women and girls

95. While women's leadership has been vital for adequate environmental management and sustainability, their knowledge is often invisible and hardly used in the formulation and implementation of environmental policies.¹⁴⁷

96. Women and girls suffer differentiated environmental and climate impacts, especially if they are in vulnerable situations, although disaggregated data is still limited, restricting the possibility to understand their particular context and needs, and thereby to implement gender-sensitive measures. Gender stereotypes and systemic discrimination still limit the effective participation of women and people of other marginalized genders, and their involvement in decision-making, along with difficulties in gaining access to information and justice.¹⁴⁸

97. Examples include water scarcity and climate change, affecting farmers, fishers and marsh dwellers, who are also affected by environmental pollution, forcing millions of people to be displaced. Women in rural areas are particularly affected by the decrease in cultivated lands, as desertification may affect 75 per cent of lands in some countries, and at least 40 per cent of cultivable lands. This has financial impacts, increasing poverty and inequalities.

98. Indigenous women and gender-diverse people are particularly affected by the consequences of climate disasters and environmental degradation, as pre-existing social, political, economic and gendered inequalities are embedded in patriarchal structures.¹⁴⁹ Women and girls are more likely to be exposed to disaster-induced risks and losses relating to their livelihoods and less able to adapt to changes in climatic conditions.¹⁵⁰ In situations of disasters, women and girls are also under higher risk of sexual violence.¹⁵¹

B. Young people and children

99. Young people and children also suffer specific impacts that need to be well understood and addressed. Widespread psychological distress linked to climate change and governmental inaction was highlighted among the most important impacts.¹⁵² Diverse restrictions in civic spaces limiting their right to have access to information and participation are also a challenge linked with inadequate considerations of the needs of children and young people, and urban-centred processes.¹⁵³ Furthermore, as outlined previously, children's health is more exposed to environmental pollution.

C. Indigenous Peoples

100. Indigenous Peoples have contributed greatly to environmental and biodiversity conservation. Indigenous and ancestral knowledge is vital for transformational

¹⁴⁷ Submission from the Ismail Mahomed Centre for Human and Peoples' Rights of the University of Venda (South Africa).

¹⁴⁸ [A/HRC/52/33](#).

¹⁴⁹ Submission from International Work Group for Indigenous Affairs.

¹⁵⁰ Submission from Geneva Centre for Human Rights Advancement and Global Dialogue.

¹⁵¹ Submission from Center for Gender and Refugee Studies of the University of California. See [A/77/136](#).

¹⁵² Submission from Avaaz.

¹⁵³ Submission from Red Latinoamericana y Caribeña de Niños, Niñas y Adolescentes, Movimiento Latinoamericano y del Caribe de Niñas, Niños y Adolescentes Trabajadores, Sociedad Peruana de Derecho Ambiental and Save the Children.

systems towards climate and environmental justice, including knowledge from elders and women. Despite this, Indigenous Peoples' rights still face serious challenges, including stigmatization and discrimination.

101. The information received included descriptions of situations such as Indigenous Peoples being “racialized as primitive and unintelligent”, and the rights of self-recognized Indigenous Peoples, such as pastoralists and forest dependent communities, still yet to be fully recognized in too many countries. Protection has yet to be secured for Indigenous lands, and there is a risk of legal modifications that could increase dispossession and degradation of these lands.

102. Despite the obligation of free, prior and informed consent, this is not fully respected, owing to weak rule of law, non-binding processes and inadequate controls over business activities. Examples received by the Special Rapporteur include cases related to mining activities in several regions, including lithium mines in South America.

103. Moreover, climate change is having a severe impact on Indigenous Peoples' lands, rights and culture, including as a result of fossil fuel extraction; the energy, agribusiness, tourism and renewable energy sectors; melting permafrost; the mining of transitional minerals; and carbon markets projects.¹⁵⁴

104. Conservation efforts, like establishing natural protected areas, sometimes with militarization and forcible relocation, are affecting Indigenous Peoples' rights, evidenced in contributions received. Lack of inclusion of traditional Indigenous knowledge in these efforts, and implementing REDD-plus and carbon market projects without adequate free, prior and informed consent and benefits-sharing, might be a source of conflicts and in some cases subject to litigation.¹⁵⁵

105. Access to information, participation and access to justice for Indigenous Peoples is also challenging in these situations regarding projects and activities that affect their territories, as well as environment and climate. Language is still one of the main barriers; when information is made public, it tends to be in official languages, with little or no interpretation in Indigenous languages.¹⁵⁶ Digital and geographic isolation exacerbates the situation.

VI. Conclusions

A. Transform the economy

106. As the present report demonstrates, the current economic system – focused on unlimited growth, profit maximization and development, and ignoring planetary boundaries – constitutes one of the main drivers for the current planetary crises, limiting also the effective fulfilment of the right to a clean, healthy and sustainable environment. The urgent transformational and systemic changes identified by multiple entities to revert the current crises have yet to be implemented.

¹⁵⁴ Submissions from Procuraduría de los Derechos Humanos de Guatemala, Articulação dos Povos Indígenas do Brasil, Articulación de los Pueblos y Organizaciones Indígenas del Nordeste, Minas Gerais y Espírito Santo, Fundação Gaia Amazonas and Permafrost Pathways.

¹⁵⁵ See Colombian Constitutional Court, Judgment T-248, 25 June 2024.

¹⁵⁶ Submission from Amlanika Bora and Aravindan Anandan of the Vidyashilp University (India).

B. Advance the legal recognition of the right to a healthy environment

107. Recognizing and mainstreaming the right to a healthy environment in multilateral agreements and national jurisdictions should be prioritized. The Special Rapporteur supports ongoing regional negotiations, such as in ASEAN and Europe, highlighting the importance of ensuring fully transparent and participatory processes.

108. New global instruments are vital opportunities to incorporate the right to a healthy environment. These instruments can also help in the developing and further understanding of the obligations of States and businesses, while contributing to consistent harmonization of legal frameworks.

109. Best practices and lessons learned from collaborative processes, such as developments on access to information, participation and access to justice, including the Aarhus Convention and Escazú Agreement, can help to deepen the understanding of State obligations, improve capacity-building and review legislation. Ongoing discussions about other agreements in Africa and Asia should be comparable to these and should be aligned with international law.

C. Implementing existing frameworks and strengthening the rule of law

110. Owing to the current gaps between reality and the environmental rule of law, effective practical enforcement and implementation of existing frameworks are crucial. Enforcement includes compliance with court decisions and the corresponding improvement of policies and laws, to also avoid further litigation and conflicts. This is especially the case regarding effective control and monitoring of public and private business activities – and illegal activities – as these are among the most important challenges to prevent further environmental degradation.

111. As described, standards from treaty bodies and other human rights entities regarding the right to a healthy environment constitute a solid base from which to understand the content and application of obligations. These are crucial for States to decide how to improve the monitoring and control of public and private efforts that are causing or might cause significant environmental damages, thereby affecting the enjoyment of the right to a healthy environment in any of its elements. This is especially relevant in relation to children, women, Indigenous Peoples, migrants, people with disabilities and other marginalized groups. New international law developments, such as the recent advisory opinion of the International Tribunal for the Law of the Sea and pending advisory opinions of the International Court of Justice and Inter-American Court of Human Rights regarding climate change, will provide important guidance on the content and scope of State obligations in relation to a healthy environment and other rights.

112. Such standards can also be used to evaluate economic interests, including regarding effective access to information, participation and access to justice, while recognizing that these advances will not be completely effective while the remaining obstacles of the current economic and trade systems are in place.

D. Reviewing and updating frameworks with the human right to a healthy environment at the centre

113. Current legal frameworks related to environmental protection and climate action have not been updated considering the reality of planetary boundaries and the triple

planetary crises. Reviewing and updating policies and laws, with the human right to a healthy environment at the centre, therefore remains a priority. States should also strengthen capacity-building at all levels, increase budgets and monitoring systems and mainstream the right to a healthy environment in national policies.

114. Conversely, regressive decisions and the weakening of legal frameworks can increase litigation and generate international responsibility for States that worsen the environmental crises and human rights impacts. Continued isolated actions and measures prevent transformational changes, aggravating the current situation.

115. Reviewing and updating legislation on the basis of best available science is essential to clarify the existing gaps and strengthen the impact of States' efforts. A holistic and diverse understanding of science, considering also traditional and ancestral science, can provide important missing knowledge. Ancestral knowledge from Indigenous Peoples, Afrodescendent communities, women and others can contribute important scientific information that, together with adequate transparent and participatory processes, could advance effective measures under development.

E. Intersectional approach

116. As described, intersecting forms of discrimination based on race, gender, sexual orientation, age and socioeconomic status, among others, generate differentiated impacts on the right to a healthy environment and the triple planetary crises. Therefore, an intersectional approach, based on effective practical implementation of the human right to substantive equality and non-discrimination, is vital in fulfilling a healthy environment and advancing transformational changes. This refers to both the substantive and procedural elements that make up a clean, healthy and sustainable environment, which should be incorporated at multiple levels, in all climate-related, environmental and biodiversity efforts. Targeted attention and creating tailored policy responses can also contribute to identifying important scientific knowledge and ongoing effective alternative solutions for the triple planetary crises.

F. Way forward for the mandate

117. Given the pressing challenges and the mandate given by the Human Rights Council, the Special Rapporteur envisions working on further clarifying standards regarding the right to a clean, healthy and sustainable environment and on developing tools for States and businesses to enable the full implementation of that right. The Special Rapporteur will work to advance effective protective measures, with an intersectional approach, in coordination with other special procedure mandate holders, States, environmental defenders, Indigenous Peoples, women, young people, children, people with disabilities, LGTBQI+ people, civil society and others, prioritizing on-the-ground expertise.

118. Advancing the recognition of the right to a healthy environment is a priority, including in ongoing processes in ASEAN and Europe. The Special Rapporteur emphasizes her willingness to support these processes, contributing to strengthening the recognition and implementation of the right in those regions.

119. The Special Rapporteur has identified the need to further clarify and develop standards for assessment and evaluation tools, such as strategic environmental assessments and environmental impact assessments. She will also be working to develop adequate and comprehensive standards for planning, including in relation to land use, coastal and marine areas and urban areas.

120. Clarifying and advancing the understanding of standards and best practices regarding access to information, participation and access to justice on environmental matters will be another area of work for the mandate. The Special Rapporteur will promote the exchange of experiences from regions, perspectives and stakeholders, to identify, learn and apply lessons learned.

121. The Special Rapporteur will also contribute to further understanding the drivers behind the threats and increasing risks to environmental defenders, developing protective measures, considering the increasing worsening situation in different regions and the closing of civic spaces, and with an intersectional approach.

VII. Recommendations

122. On the basis of the overview presented above, the Special Rapporteur recommends that States:

(a) Effectively implement legal frameworks and policies in line with international law and the internationally recognized right to a clean, healthy and sustainable environment;

(b) Review, update and harmonize international, national and subnational legal frameworks, mainstreaming the human right to a healthy environment and reflecting the interconnectedness between systems, humans and nature. Such processes should include all sectors, addressing the root causes of the triple planetary crises and reducing systemic inequalities and conflict;

(c) Recognize the right to a healthy environment in national jurisdictions where this is not yet the case, and support regional processes to recognize and strengthen the right;

(d) Support the mainstreaming of the right to a healthy environment in upcoming multilateral negotiations and agreements, including in relation to climate and biodiversity, and in new instruments, such as the instrument to tackle plastic pollution, the outcomes of the Summit of the Future and the binding treaty on business and human rights;

(e) Expand agreements on access to information, participation and access to justice in relation to the right to a healthy environment, including its codification and enforcement;

(f) Promote intersectionality while eliminating systemic exclusion and discrimination by incorporating the rights and needs of people and groups in more vulnerable situations when implementing the right to a clean, healthy and sustainable environment;

(g) Improve the protection of environmental defenders, implementing participatory measures with an intersectional and inclusive approach, guaranteeing safe civic spaces, avoiding criminalization and advancing the investigation and prosecution of those responsible for violating their human rights.

123. The Special Rapporteur recommends that States, international organizations and businesses:

(a) Improve the monitoring of the status of implementation of the right to a healthy environment, including during the universal periodic review process;

(b) **Implement transformational changes, on the basis of the interconnection of natural and human systems and planetary boundaries, avoiding consideration of linear systems;**

(c) **Avoid false solutions, including greenwashing, maladaptation and environmental and conservation measures that violate human rights;**

(d) **Expand effective monitoring and control to businesses, eliminating subsidies and other incentives inconsistent with the right to a healthy environment, while advancing transformative systemic actions;**

124. Implement the precautionary principle and other international law obligations to effectively protect the environment and avoid degradation, while introducing and complying with strong regulations.
