



المؤتمر الدولي حول  
تأثير النشاط البشري على الحق في بيئة صحية وملائمة:  
الممارسات والتحديات والحلول

The International Conference on  
The Impact of Human Activity  
on The Right to a Healthy and Adequate Environment:  
Practices, Challenges and Solutions

الأربعاء 6 سبتمبر 2023 | Wednesday 6<sup>th</sup> September 2023  
المنامة، مملكة البحرين | Manama, Kingdom of Bahrain

المؤسسة الوطنية لحقوق الإنسان  
National Institution for Human Rights



## Working Paper

**Right to a clean, healthy, and sustainable environment: role of the OHCHR and UN human rights bodies**

**International Conference: The Impact of Human Activity on the Right to a Healthy and Adequate Environment: Practices, Challenges and Solutions**

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**6 September 2023**

**Manama – Kingdom of Bahrain**

**Session: Legislation and general concepts regarding the right to a healthy environment and human rights (10 min)**

Thank you very much for inviting the Office of the United Nations High Commissioner for Human Rights to participate at this important conference. We are grateful to the organizers, the National Institution for Human Rights of the Kingdom of Bahrain, for this kind invitation and for the opportunity to deliver a statement on behalf of the Environment and Climate Change Team of the Office.

As humanity confronts the triple planetary crisis of climate change, biodiversity loss, and pollution – given the growing focus on the interdependence of the environment and human rights and looking ahead to the UN Climate Change Conference (COP28) taking place in December close by in Dubai – it could not be timelier to have a discussion regarding the right to a clean, healthy and sustainable environment. The rights implications of environmental damage are felt increasingly by all around the world, while human rights are universal and belong to all.



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However, the impacts of the triple planetary crisis on the effective enjoyment of human rights are felt disproportionately and acutely by those that are already in situations of **vulnerability**, including women and girls, children, and Indigenous Peoples, as well as people facing desertification, land degradation, sea level rise, drought and water scarcity.

**Bahrain** and this **region** are also confronting many such challenges – extreme heat, sea-level rise, freshwater scarcity, and stress on marine ecosystems, among others.

Over the last couple of years, **resolutions** of the Human Rights Council in 2021 (A/HRC/RES/48/13) and the General Assembly in 2022 (A/RES/76/300) recognized that all people have the right to a clean, healthy and sustainable environment.

The **human rights-based approach** to environmental action and the right to a healthy environment offer a roadmap for addressing the triple planetary crisis. Key elements of the right include a safe and stable climate, healthy ecosystems and biodiversity, a non-toxic environment, clean air and water, and healthy and adequate food. Under this right, all people are entitled to participate in environmental decision-making and to access information and justice in environmental matters. All children have the right to education with respect to nature. Environmental Human Rights Defenders are protected and empowered. International cooperation is required. Gender equality and non-discrimination are prioritized. The rights of Indigenous Peoples are respected, protected, and fulfilled.

The **Office of the High Commissioner for Human Rights** (or OHCHR), as part of the UN Secretariat, has a mandate from the international community to promote and protect all human rights, including the right to a clean, healthy and sustainable environment. The OHCHR and the UN human rights bodies supported by the Office play various roles with respect to the promotion of this right.



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The **Office** itself works on human rights and the environment including in collaboration with the Executive Office of the Secretary-General, the UN Environment Programme and other key partners, and engages with multilateral environmental agreements, such as the UN Framework Convention on Climate Change, the UN Convention to Combat Desertification, and the Convention on Biological Diversity, among other activities.

The **special procedures** of the Human Rights Council cover, in relation to the environment, the thematic mandates of the Special Rapporteurs on human rights and the environment, on toxics and human rights, and most recently on climate change, among others. The latest report of the Special Rapporteur on human rights and the environment, for example, on the issue of **women, girls** and the right to a clean, healthy and sustainable environment, considered the intersectional forms of discrimination that women and girls face and the importance of gender equality in addressing environmental degradation, among other things.

The **treaty bodies** supported by OHCHR also work increasingly on this right. Most recently, the Committee on the Rights of the Child, in its General Comment 26 on children's rights and the environment with a special focus on climate change, affirmed that all children have the right to a clean, healthy and sustainable environment which is necessary for the full enjoyment of a broad range of other children's rights, such as to life, survival and development, health, and education, among others.

OHCHR also supports the work of **National Human Rights Institutions** which play a vital role in promoting and monitoring the effective implementation of international human rights standards at the national level, including surrounding the right to a healthy environment. The Office supports the Global Alliance of National Human Rights Institutions and the establishment and strengthening of NHRIs around the world.

The **Human Rights Council**, the intergovernmental body supported by OHCHR, likewise provides important guidance for the implementation of the right, including through relevant resolutions.



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The Council, in its latest resolution on the human right to a clean, healthy and sustainable environment in April, among other things encouraged States to adopt an effective legal framework for the enjoyment of this right. In its latest resolution on climate change in July, in turn, the Council called upon States, inter alia, to enhance international cooperation and financing for mitigation and adaptation and to assist developing countries in averting, minimizing and addressing loss and damage.

The OHCHR's work is also guided by the General Assembly resolution recognizing the right to a clean, healthy and sustainable environment affirming that the promotion of this right “requires the full implementation of the multilateral environmental agreements under the principles of international environmental law”. These agreements include **the UN Framework Convention on Climate Change and the Paris Agreement**. At UNFCCC COP28, OHCHR will be working to advance human rights, including the right to a clean, healthy and sustainable environment.

- As the Paris Agreement's 1.5-degree Celsius target is at serious risk of slipping away, we need higher ambition in terms of climate change **mitigation** as a human rights imperative.
- To achieve this, there should be an ambitious rights-based outcome of the first-ever **Global Stocktake**, which is scheduled to end at COP28, for the next cycle of Nationally Determined Contributions (NDCs), drawing upon equity and the best available science, and reflecting States' human rights obligations.
- In light of this, OHCHR is advocating for the outputs of the first **Global Stocktake** to include, among other things:
  - A clear call for the equitable phase out of all **fossil fuels** in line with a sustainable, evidence-based pathway to limit global heating to no more than 1.5 degrees Celsius.



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- A commitment to **rights-based climate action** and the respect, protection and fulfilment of all human rights, including the right to a clean, healthy and sustainable environment for all.
- A long-term vision for **mobilizing resources**, including finance, for mitigation, adaptation and loss and damage in line with the principles of equity and common but differentiated responsibilities and respective capacities as well as State human rights obligations.
- Recognition of the importance of and a commitment to the free, meaningful, active, safe and informed **participation** of diverse stakeholders, civil society, women, children, and Indigenous Peoples, including those most affected by climate change in climate decision-making.
- **Addressing loss and damage from climate harms** is also crucial. Under human rights law all people have a right of access to effective remedy for human rights harms caused by climate change, which can be advanced by the operationalization of the new loss and damage fund.

In **conclusion**, it is important to ensure that in relation to the enjoyment of the right to a clean, healthy and sustainable environment, no one is left behind, both within and between countries. While the work of OHCHR and UN human rights bodies can provide guidance and clarification regarding obligations, NHRIs play a key role ensuring the concrete implementation of the right to a healthy environment, for example in monitoring and reporting on the human rights impacts of environmental damage and providing rights-based advice. The OHCHR appreciates the important work done in this regard by those present.

Lastly, on the occasion of the **75<sup>th</sup> anniversary of the Universal Declaration of Human Rights**, the Office would like to highlight the push for the Human Rights 75 pledges, which are commitments to take specific and meaningful action on human rights by Member States and others. NHRIs, with their crucial role with respect to international human rights standards at the



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national level, are also invited to submit pledges that are transformative, innovative and catalytic. All such pledges will be made public in December.

Thank you very much for this opportunity to share some remarks on the topic, and we look forward to working together on these important themes during the conference and in months to come.

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**Manama - Kingdom of Bahrain**

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