

Aarhus Convention Task Force on Access to Justice (Hybrid, Geneva, 15-16 February 2021)

Statement by OHCHR for the session on Tuesday, 16 February 2021 14:00.–16:00 -Agenda item 5

Distinguished delegates, colleagues and friends,

My name is Frédérique Bourque, and I am an associate human rights officer working with the UN Special Rapporteur on human rights and the environment, Mr. David Boyd. I would like to provide you with an update on the activities conducted on behalf of the Special Rapporteur.

Human rights depend on a healthy biosphere

In his ongoing effort to provide additional clarity regarding the substantive elements of the right to a healthy environment and, following earlier reports on clean air and a safe climate the Special Rapporteur, presented a thematic report to the United Nations General Assembly on a healthy biosphere,¹ in October 2020.

This report entitled “Human rights depend on a healthy biosphere” discusses the need for urgent action to conserve, protect and restore the biosphere on which all species depend, including Homo sapiens. Illustrating the devastating effects of COVID-19 and the global nature emergency on the enjoyment of human rights, and the crucial role of human rights in catalysing action to safeguard nature, the report clarifies the obligations of States and the responsibilities of businesses and civil society organizations. This report also provides practical recommendations to conserve, protect and restore healthy ecosystems and biodiversity, ensure sustainable use and distribute the benefits of nature equitably.

To complement his report, the Special Rapporteur has prepared an annex on good practices related to conserving, protecting and restoring ecosystems and biodiversity. This compilation of good practices includes many from State Parties of the Aarhus Convention.²

Human rights and associated obligations related to water pollution, water scarcity and water-related disasters

On 3 March 2021, on the occasion of the 46th session of the Human Rights Council, the Special Rapporteur will present a report on human rights and obligations related to water pollution, water scarcity and water-related disasters.³

¹ [A/75/161](#)

² [A/75/161-Annex](#).

³ [A/HRC/46/28](#)- soon available online.

Describing the causes and consequences of the global water crisis, focusing on its negative impacts on the enjoyment of many human rights, the report highlights procedural and substantive State obligations related to ensuring safe and sufficient water. It identifies good practices that have helped to reduce or prevent water pollution, alleviate water scarcity, reduce risks associated with water-related disasters and protect or restore aquatic ecosystems. It also provides a seven-step process for States to employ a rights-based approach to water governance, as well as recommendations for actions.

Furthermore, the Special Rapporteur has been preparing an annex to his report compiling a range of water related good practices. The annex will soon be available and highlights various examples from Aarhus Convention State Parties.

Finally, to further discuss his report, Dr. Boyd will be organising a virtual side event on 2 March 2021, at 16:30. All relevant information will be made available on his webpage in due course.⁴

Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights

The Special Rapporteur is currently preparing his next thematic report focusing on “Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights.”

In this context, the Special Rapporteur has prepared a call for inputs to inform his report, which is available on his webpage in English, French and Spanish.⁵ He invites all stakeholders to submit their contributions by May 1st 2021. The report will be presented to the General Assembly in October 2021.

Realizing the rights of the child through a healthy environment

From a more general perspective, the Special Rapporteur would like to highlight that, during the 45th session of the Human Rights Council, on 7 October 2020, a resolution on realizing the rights of the child through a healthy environment was adopted by the Council.

The paragraph 4 of the resolution “Urges States to take the necessary measures to ensure the full enjoyment by children of all their human rights and fundamental freedoms, and to protect them from the effects of environmental harm through effective regulation and enforcement mechanisms, including by:

(c) Considering recognizing a right to a healthy environment in national legislation in order to promote justiciability, strengthen accountability and facilitate greater participation, improving environmental protection and performance and ensuring rights for present and future generations;”⁶

⁴ <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Mandate.aspx>

⁵ <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>

⁶ [A/HRC/RES/45/30](https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx)

The Recognition of the right to a healthy environment

The right to a safe, clean, healthy and sustainable environment is now recognized in law by more than 80 per cent (156 out of 193) of member States of the United Nations.

Out of the 46 States that are parties to the Aarhus Convention (which refers to the right to a healthy environment as the objective of the treaty in Article 1), 34 have also recognized the right to a healthy environment constitutionally and/or through their environmental legislation.

Ongoing efforts continued to be made at the Human Rights Council to secure the recognition of the right to a safe, clean, healthy and sustainable environment through a resolution.

On behalf of the Special Rapporteur, he would once again like to invite Parties to the Convention to consider supporting the global recognition of the right to a safe, clean, healthy and sustainable environment so that the right can be enjoyed by everyone, everywhere.

The recognition will not only ensure the enjoyment of everyone's right to live in a healthy environment but it will also help promote the objective and principles of the Convention and facilitate Parties to meet their human rights obligations at the same time.

Finally, I take this opportunity to inform you that a virtual side event will be taking place on 23 February 2021 at 16:00 to further discuss this important topic. All relevant information will be made available on the Special Rapporteur's webpage in due course.

Thank you.