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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Angola, Antigua and Barbuda, Armenia, Bahamas, Bhutan, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cabo Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechia, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Jordan, Kenya, Latvia, Lebanon, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, Nigeria, North Macedonia, Palau, Panama, Peru, Portugal, Qatar, Republic of Korea, Romania, Samoa, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, Uruguay and Vanuatu: draft resolution*

The human right to a clean, healthy and sustainable environment

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights¹ and the Vienna Declaration and Programme of Action,² recalling the Declaration on the Right to Development,³ the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration),⁴ the Rio Declaration on Environment and Development,⁵ and relevant international human rights treaties, and noting other relevant regional human rights instruments,

* In order for the General Assembly to take action on the present proposal, it will be necessary to reopen consideration of agenda item 74 (b).

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.

³ Resolution 41/128, annex.

⁴ *Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972 (A/CONF.48/14/Rev.1)*, part one, chap. I.

⁵ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.



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

Reaffirming further its resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030 ensuring that no one is left behind, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

Recalling States’ obligations and commitments under multilateral environmental instruments and agreements, including on climate change, and the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document entitled “The future we want”,⁶ which reaffirmed the principles of the Rio Declaration on Environment and Development,

Recalling also Human Rights Council resolution 48/13 of 8 October 2021, entitled “The human right to a clean, healthy and sustainable environment”,⁷

Recalling further all Human Rights Council resolutions on human rights and the environment, including resolutions 44/7 of 16 July 2020,⁸ 45/17 of 6 October 2020,⁹ 45/30 of 7 October 2020¹⁰ and 46/7 of 23 March 2021,¹¹ and relevant resolutions of the General Assembly,

Recognizing that sustainable development, in its three dimensions (social, economic and environmental), and the protection of the environment, including ecosystems, contribute to and promote human well-being and the full enjoyment of all human rights, for present and future generations,

Recognizing also that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a clean, healthy and sustainable environment and that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Reaffirming that international cooperation has an essential role in assisting developing countries, including highly indebted poor countries, least developed countries, landlocked developing countries, small island developing States, as well as the specific challenges faced by middle-income countries, in strengthening their human, institutional and technological capacity,

Recognizing that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples, children, older persons and persons with disabilities,

⁶ Resolution 66/288, annex.

⁷ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53A (A/76/53/Add.1)*, chap. II.

⁸ *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. V, sect. A.

⁹ *Ibid.*, *Supplement No. 53A (A/75/53/Add.1)*, chap. III.

¹⁰ *Ibid.*

¹¹ *Ibid.*, *Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V, sect. A.

Recognizing also the importance of gender equality, gender-responsive action to address climate change and environmental degradation, the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment,

Recognizing further that environmental degradation, climate change, biodiversity loss, desertification and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights,

Recognizing that the exercise of human rights, including the rights to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and to an effective remedy, is vital to the protection of a clean, healthy and sustainable environment,

Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the human rights of all, as recognized in different international instruments, and that additional measures should be taken for those who are particularly vulnerable to environmental degradation, noting the framework principles on human rights and the environment,¹²

Recalling the Guiding Principles on Business and Human Rights,¹³ which underscore the responsibility of all business enterprises to respect human rights,

Affirming the importance of a clean, healthy and sustainable environment for the enjoyment of all human rights,

Taking note of all the reports of the Special Rapporteur (formerly the Independent Expert) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,¹⁴

Noting “The highest aspiration: a call to action for human rights”, which the Secretary-General presented to the Human Rights Council on 24 February 2020,

Noting also that a vast majority of States have recognized some form of the right to a clean, healthy and sustainable environment through international agreements, their national constitutions, legislation, laws or policies,

1. *Recognizes* the right to a clean, healthy and sustainable environment as a human right;
2. *Notes* that the right to a clean, healthy and sustainable environment is related to other rights and existing international law;
3. *Affirms* that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law;
4. *Calls upon* States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.

¹² A/HRC/37/59, annex.

¹³ A/HRC/17/31, annex.

¹⁴ A/73/188, A/74/161, A/75/161, A/76/179, A/HRC/22/43, A/HRC/25/53, A/HRC/28/61, A/HRC/31/52, A/HRC/31/53, A/HRC/34/49, A/HRC/37/58, A/HRC/37/59, A/HRC/40/55, A/HRC/43/53, A/HRC/43/54, A/HRC/46/28 and A/HRC/49/53.