

Motion

# Recognising the Human Right to a Safe, Clean, Healthy and Sustainable Environment

Signed by: Youth and Environment Europe (YEE)

Co-signed by: Erasmus Student Network (ESN), Young  
European Greens (FYEG)

## 1. Background and context

Humanity is confronting an unprecedented planetary environmental crisis. In recent decades, human rights bodies have concluded that a healthy environment is of fundamental significance to the full enjoyment of a vast majority of human rights.<sup>1</sup> At the same time, the exercise of human rights is vital for effective environmental protection.<sup>2</sup>

The first international document to recognise the link between human rights and the environment was the 1972 Stockholm Declaration on the Human Environment. The Paris Climate Agreement of 2015 was the first binding multilateral environmental agreement to include an explicit human rights reference. Its preamble acknowledges that states should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights. The Glasgow Climate Pact adopted at COP26 reaffirmed these obligations.<sup>3</sup> The Sustainable Development Goals (SDGs) further include environmental rights in the global development agenda.

Over the years, more than 1,100 civil society organisations all over the world, 15 UN agencies and over 70 states have expressed support for the formal recognition of this right.<sup>4</sup> As a result, in October 2021, the UN Human Rights Council formally recognised access to a healthy and sustainable environment as a universal right.<sup>5</sup> The UN

General Assembly followed in 2022 and added this right to the library of internationally recognised fundamental rights.<sup>6</sup>

1. UN Special Rapporteur (2018). Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/73/188). United Nations General Assembly. <https://undocs.org/A/73/188>

2. European Parliament (2021). Resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030 (2020/2273(INI)), including recognition of the right to a healthy environment in the EU Charter and international instruments. [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277_EN.html)

3. European Parliament (2021)

4. UN Special Rapporteur (2018)

5. UNHRC (2021). Resolution 48/13: The human right to a clean, healthy and sustainable environment. United Nations Human Rights Council, 8 October 2021. <https://undocs.org/A/HRC/RES/48/13>

6. UN General Assembly. (2022). Resolution A/RES/76/300: The human right to a clean, healthy and sustainable environment. United Nations General Assembly, July 2022. <https://undocs.org/A/RES/76/300>

## 2. The essence of the right

Many human rights include a link to the quality of the environment (e.g. life and health), however the right to a healthy environment is unique because it provides comprehensive protection against the full range of environmental harms.<sup>7</sup> This right encompasses, at a minimum: clean air and non-toxic environments in which to live, work, study and play; safe and sufficient water and adequate sanitation; healthy and sustainably produced food; a safe and stable climate; and healthy biodiversity and ecosystems.<sup>8</sup>

States bear the primary responsibility for respecting, protecting and fulfilling this right.<sup>9</sup> Key substantive obligations include<sup>10</sup>:

- Refraining from actions that cause significant air, water and soil pollution through their own activities or state-owned enterprises
  - Protecting individuals from environmental harm caused by third parties, especially businesses, through strong, non-discriminatory laws, regulations and standards
  - Giving special attention to marginalised groups, those who are disproportionately affected by the climate and environmental crises, including children, women, Indigenous peoples, persons with special needs, refugees, migrants and people living in poverty
  - Protecting environmental human rights defenders, ideally by establishing institutions, rules and programmes to address the root causes of violence and harassment against them
- Enacting and enforcing comprehensive human rights and environmental due diligence legislation
- Procedural obligations are equally central to upholding this right, and include:<sup>11</sup>
- Providing public access to timely, accessible and understandable environmental information
  - Ensuring meaningful, informed, inclusive and equitable public participation in environmental decision-making
  - Conducting prior assessment of the possible environmental and human rights impacts of proposed projects and policies
  - Providing affordable and timely access to justice and effective remedies for all
  - Respecting and protecting the rights to freedom of expression, association and peaceful assembly in relation to environmental matters

Particular attention should be paid to the rights of young people, future generations, and environmental human rights defenders, who are disproportionately affected by environmental degradation and are often at the forefront of climate and environmental advocacy.<sup>12</sup>

7. OHCHR (2024). The right to a healthy environment: User's Guide. United Nations Human Rights Special Procedures. <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf>

8. UN Special Rapporteur (2018).

9. OHCHR, UNEP & UNDP (2023) What is the right to a healthy environment: Information note. Office of the United Nations High Commissioner for Human Rights, United Nations Environment Program, United Nations Development Programme. <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>

10. OHCHR (2024)

11. UN Special Rapporteur (2018)

12. Council of Europe (2024). Recommendation CM/Rec(2024)6 of the Committee of Ministers to member States on young people and climate action. Council of Europe. <https://rm.coe.int/cm-rec-2024-6-young-people-and-climate-action/1680b21a0e>

### 3. The political and legal landscape

The benefits of legal recognition of the right to a healthy environment are stronger environmental laws and policies, reduced environmental injustices, improved implementation and enforcement and greater public participation in environmental decision-making.<sup>13</sup> Additionally, it provides a strong basis for environmental litigation in courts.<sup>14</sup> Several studies have concluded that countries with constitutional environmental protections have smaller ecological footprints, rank higher on comprehensive indices of environmental performance, are more likely to ratify international environmental agreements, and have improved environmental outcomes, including cleaner air, enhanced access to safe drinking water and reduced greenhouse gas emissions.<sup>15</sup>

At the EU level, the progress is not linear:

- 19 out of 27 EU member states have enshrined this right in their constitutions (some only implicitly); 17 have done so in national laws.
- Article 37 of the EU Charter of Fundamental Rights requires a high level of environmental protection to be integrated into EU policies, but does not recognise or establish an explicit, individual enforceable right to a healthy environment. The European Parliament has already called for this right to be recognised in the EU Charter in 2021.<sup>16</sup>
- The European Convention on Human Rights contains no explicit provision, though the Parliamentary Assembly of the Council of Europe recommended drafting an additional protocol on this matter.<sup>17</sup>

Despite some advances, good practices remain insufficient to meet the scale of the environmental crisis. The planetary emergency demands transformative changes that can be accelerated by legally recognising the right to a healthy environment on an European level.

13. European Parliament (2021)

14. UNEP (2020). Right to a healthy environment: good practices. United Nations Environment Program, United Nations Human Rights Special Procedures. <https://wedocs.unep.org/rest/api/core/bitstreams/e5987be2-bd00-4e2a-9ae7-e9da885df599/content>

15. OHCHR (2024)

16. European Parliament (2021)

17. Council of Europe (2021). Recommendation for an additional protocol to the European Convention on Human Rights on the right to a healthy environment. Parliamentary Assembly of the Council of Europe, September 2021. <https://pace.coe.int/en/files/29501/html>

## 4. Recommendations

Therefore, the European Youth Forum calls for

The European Union to:

- Formally recognise the right to a clean, healthy and sustainable environment in the EU Charter of Fundamental Rights, as called for by the European Parliament.
- Support the drafting of an additional protocol to the European Convention on Human Rights enshrining this right.
- Mainstream the right to a clean, healthy and sustainable environment across EU environmental, climate, health, biodiversity, water, chemicals and industrial policies and legislation.
- Ensure meaningful, inclusive and adequately resourced youth participation in the design, implementation and evaluation of environmental and climate policies.

The Council of Europe to:

- Adopt an additional protocol to the European Convention on Human Rights on the right to a healthy environment, following the recommendation of the Parliamentary Assembly of the Council of Europe.
- Promote stronger protection of environmental human rights defenders through legal safeguards, monitoring, and access to effective remedies.
- Encourage member States to ensure that environmental governance is consistent with human rights standards, including non-discrimination, intergenerational equity, prevention and precaution.

National Governments to:

- Enshrine the right to a healthy environment in national constitutions and legislation where not yet done.

- Enact and enforce strong environmental quality standards.
- Include the right to a clean, healthy and sustainable environment in education curricula.
- Establish clear protection mechanisms for environmental human rights defenders, including young activists and youth-led organisations.
- Conduct environmental and human rights impact assessments for all major plans, projects and policies, with meaningful public participation.
- Guarantee timely and accessible access to environmental information, meaningful public participation in environmental decision-making, and affordable, effective access to justice.

Member Organisations and National Youth Councils of the European Youth Forum to:

- Actively advocate for the right to a clean, healthy and sustainable environment to be legally recognised in their respective countries and at European level.



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