

# Human Rights and the Environment

**Rio+20: Joint Report OHCHR and UNEP**



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## Foreword



In 1992, Member States adopted the landmark Rio Declaration. The Declaration was remarkable in many respects, not least for its integrated approach to economic development, social development, and environmental protection. The logic of this integrated approach has since been globally embraced, and the integrated wisdom of Rio has spawned countless important developments in the years that followed. But the Rio Declaration was celebrated for another reason as well - it was thoroughly infused with human rights considerations essential to sustainable development.

Two decades later, as the international community convenes again in Rio to review progress and confront new challenges, OHCHR and UNEP have produced this joint report on human rights and the environment, as a contribution to Rio+20. The report builds upon the High Level Expert Meeting on the “New Future of Human Rights and Environment: Moving the Global Agenda Forward” (Nairobi, 30 November-1 December 2009), where my Office and UNEP examined the relationship between human rights and the environment and discussed ways and means to promote integrated strategies and policies for the protection of human rights and the environment.

This report seeks to make a substantive contribution to Rio+20 through an analysis of the interrelationship between human rights and the environment, both integral and indivisible elements of sustainable development. This linkage is central to efforts to move towards a green economy and to sustainable approaches to food, energy and water security.

Indeed, efforts to encourage sustainable development must recognise the relationship between human rights and the environment and ensure their mutual benefits are realised. Without integrating human rights and environmental protection, sustainable development and the green economy will not succeed.

It is our sincere hope that this report will be widely disseminated and will help to inform the discussions at Rio, and beyond.

Navanethem Pillay

High Commissioner for Human Rights

## Foreword



Human rights and the environment are inextricably linked and in respect to sustainable development, natural allies.

Ecosystem services – including food, clean water, medicinal substances, recreation, and protection from natural hazards such as floods and droughts – are indispensable to the well-being of all people in all places.

Loss of such services will increasingly threaten humanity's 'right to development'

This report is a collaborative effort by the OHCHR and UNEP. It is a result from the High Level Expert Meeting on the "New Future of Human Rights and Environment: Moving the Global Agenda Forward" where it was agreed to provide a contribution to the 2012 United Nations Conference on Sustainable Development or Rio+20.

Both the two themes for Rio+20 – the Green Economy in the context of sustainable development and poverty eradication and Institutional Framework for Sustainable Development – go to the heart of the current international debate on human rights and the environment.

This report addresses how human rights and the environment can play an integral, indivisible role in achieving sustainable development and equality of access to basic needs such as freshwater food and employment while demonstrating how environmental and human rights policies affect each other and can support each other in common cause.

Points outlined and echoed in Article 8 of the 1986 UN Declaration on the Right to Development, some 40 years after the UN Charter itself was established.

As pointed out by the High Commissioner for Human Rights in a recent analytical study on the issue, progress has been made in elucidating the complex and multifaceted relationship between human rights and environment. However, the dialogue between the two fields of law and policy has still left a number of questions open.

This report, therefore, aims not only to give a better understanding of the relationship between human rights and the environment, but also addresses how the respective policies can be better integrated to promote further sustainable development and a greener economy.

Rio+20 is a unique opportunity for world leaders and the international community to accelerate and scale up the implementation of sustainable development in order to transform the patchy progress of the past two decades into a reality for seven billion people, rising to over nine billion by 2050.

It is also an opportunity to elevate environmental sustainability from the margins into the centre of fundamental human values and human rights—not only for this generation but for those generations to come.

Achim Steiner

UNEP Executive Director

## Executive Summary

This report seeks to make a substantive contribution to Rio+20 through an analysis of the interrelationship between human rights and the environment as they both form integral and indivisible parts of sustainable development. The linkage discussed is central to efforts to move towards a green economy that will deliver benefits to the international community in addressing food, energy and water security and in achieving sustainable development and the Millennium Development Goals (MDGs). UNEP describes the “green economy” as an economic system “that recognizes the properties of healthy ecosystems as the backbone of economic and social well-being and as a precondition for poverty reduction.”

The shift towards a green economy requires coherent policies integrating the three pillars of sustainable development, which in turn demand collaboration between various sectoral ministries at the national level and cohesion between the organizations and institutions dealing with various aspects of sustainable development at the international (global and regional) level. Efforts to encourage sustainable development must recognise the relationship between human rights and the environment and ensure their mutual benefits are realised. Without integrating human rights and environmental protection, sustainable development and the green economy will not succeed.

Almost from the emergence of contemporary concern with environmental protection in the late 1960s, the impact of environmental sustainability on the enjoyment of human rights was strongly perceived. The linkage figured prominently in the United Nations Conference on the Human Environment, held in Stockholm in 1972, and later on in the 1992 Rio Earth Summit and the 2002 World Summit on Sustainable Development, as well as in the case law of international courts, such as the International Court of Justice.

At the regional level, the linkages between human rights and the environment have been recognized in binding agreements, such as the African Charter on Human and Peoples’ Rights, the European Convention on Human Rights, the American Convention on Human Rights, and the UNECE’s Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (usually known as Aarhus Convention).

At national level, lawmakers in many countries have drafted constitutional and legislative provisions setting forth the right to an environment of a specified quality, such as healthy, safe, secure, clean, or ecologically sound. Some 130 constitutions in the world, including the overwhelming proportion of those amended or written since 1970, include a state obligation to protect the environment or a right to a safe, healthy, ecologically balanced (or other adjective) environment.

The protection of the environment and the promotion of human rights are increasingly seen as intertwined, complementary goals, and part of the fundamental pillars of sustainable development. The two fields share a core of common interests and objectives indispensable for sustainable development. Each human being depends on

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