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Newsletter #6: July 2020

Dear friends and colleagues

Since the last newsletter in February, our world has been turned upside down by COVID-19. As I write these words, approximately 600,000 people have died, more than 12 million have been afflicted, and billions have endured lockdowns of various intensity. The global economy has undergone a shock, poverty and hunger have escalated, and the prominence of the global environmental crisis has receded.

While there have been some improvements in air and water quality, and declines in greenhouse gas emissions, these are temporary and unsustainable. The global challenges of climate change, biodiversity loss, and pervasive pollution still require rapid, systemic and transformative change. In the wake of COVID-19, States are planning to invest trillions of dollars in recovery packages, presenting a potential turning point away from the destructive practices of the past, and towards an economy that advances human health, ecosystem health, and human rights.

Three of the enduring lessons of the pandemic are that governments must act upon scientific warnings, human health is inextricably tied to ecosystem health, and spending money to protect and restore nature is an outstanding investment. As early as 1998, scientists issued warnings about the severe threat of novel coronaviruses. Even after SARS, governments failed to address the root causes leading to heightened risk of spillover of diseases from wildlife and livestock into humans—deforestation, wildlife trade and intensive livestock operations. We must heed scientists' warnings about climate disruption and biodiversity loss before it is too late. And while we must contain the spread of COVID-19, we must also reduce the risk of future pandemics. The World Bank estimated that it would cost a few billion dollars annually to implement One Health, an integrated approach to monitoring the health of people, livestock and ecosystems. If this approach proved to be successful, the savings could be measured in the trillions.

The push for global recognition of the right to a healthy environment by the United Nations has been disrupted by COVID-19, but we continue to work with civil society and supportive States to secure a resolution as soon as possible.

Reports

On 2 March 2020, we held our annual interactive dialogue with the Human Rights Council in Geneva. I submitted four reports, including a [thematic report on good practices](#) related to the recognition and implementation of the right to a safe, clean, healthy and sustainable environment, reports on country visits to [Fiji and Norway](#), and a [summary](#) of the expert meeting held last June.



The interactive dialogue was fantastic! More than 80 States made comments and asked questions, with a huge number indicating support for recognition of the right to a healthy environment. Apparently, States are unaccustomed to receiving praise for their efforts to respect, protect and fulfil human rights. What was supposed to be a 90-minute session went on for three hours! There seemed to be such momentum, and then the pandemic exploded onto the scene.

We also participated in a side event on good practices in implementing the right to a healthy environment. It was delightful to be on a panel with Ambassador Nazhat Shameem Khan from Fiji, Ambassador Sabina Stadler Repnik from Slovenia, Lucia, a youth environmental human rights defender, and Angela Kariuki from UN Environment. Turnout was high and there was lots of enthusiasm.



There were so many good practices reported to us that we had to put several hundred of them in an [additional Annex](#). Our good practices report also includes a series of regional annexes detailing the legal provisions of national constitutions and laws that recognize the right to a healthy environment. Our thanks to the Cyrus R. Vance Center for International Justice, a consortium of law firms led by Clifford Chance and White & Case and in particular, Susan Kath, Sam Bookman, Nathalya Desterro, Janet Whittaker, Carla Lewis and David Boyd (not related to the Special Rapporteur!).



Mapping the Right to a Healthy Environment

International law firm Clifford Chance LLP is pleased to make public an interactive map setting out the results of the global survey conducted in collaboration with the Vance Center on behalf of the UN Special Rapporteur on Human Rights and the Environment.

The map contains links to charts summarizing for each UN Member State whether it has a right to a healthy environment under its constitution, domestic laws and/or court decisions, analysed at both a national and sub-national level (as applicable). Regional and international treaties are not reflected in the review. The survey was completed on 31 October 2019.

Access to the map will be made available until the end of the year, and can be requested [here](#).

Upcoming Consultations

We will be hosting a series of online consultations on the subject of the global water crisis and obligations related to the enjoyment of a safe, clean, healthy environment in September. We welcome your participation, and encourage you to forward this information to other people who may be interested. We are planning to present a report on this topic to the Human Rights Council in the spring of 2021, as part of our series of reports on the substantive elements of the right to a safe, clean, healthy and sustainable environment (which has already featured clean air, a safe climate, and healthy ecosystems). A call for inputs to the report will be issued later this month.

September 16, 2020 at 7 a.m. Pacific Daylight Time (PDT)

September 16, 2020 at noon Pacific Daylight Time (PDT)

September 16, 2020 at 5 p.m. Pacific Daylight Time (PDT)

September 16, 2020 at 10 p.m. Pacific Daylight Time (PDT)

Please contact srenvironment@ohchr.org to sign up for one of the virtual consultations, and we will provide additional information prior to the event.

Events

I attended a full day high level conference hosted by the Council of Europe on human rights and the environment in Strasbourg on Feb. 27, providing a keynote address about the surprising gap in the European human rights system. The European Convention on Human Rights, as I pointed out, is the only regional human rights treaty that does not explicitly include the right to a healthy environment. Efforts to add an additional protocol to the Convention to recognize this right, which has been done for many other rights, have repeatedly failed. It is perplexing that Europe, as a global leader in the fields of human rights and environmental protection, lags behind the rest of the world in recognizing this right. The European Court of Human Rights has ruled that pollution can violate Convention rights including the right to life (Article 2) and the right to respect for private and family life (Article 8). However, the Court has also ruled that “no right to nature preservation is as such included among the rights and freedoms guaranteed by the Convention.”



I participated in several other events before retreating to my home on Pender Island on the west coast of Canada, where I have spent the past four months:

Participant, Workshop on Supporting Environmental Defenders: Mobilizing the International community, Geneva, 26 February

Opening remarks and panelist, Celebration of World Wildlife Day: Sustaining All Life on Earth, Geneva, 3 March

Keynote speech, Surfrider Foundation annual fundraiser, Tofino BC, 7 March

Panelist, Climate Emergency Forum, University of British Columbia, Vancouver, 11 March

Video messages and webinars

The travel restrictions imposed as a result of the pandemic have resulted in a proliferation of videoconferences and webinars. A few recent examples include:

-a panel on climate change and human rights for Al Gore’s Climate Reality project, July

-a video message for a webinar on the Escazu regional treaty on procedural environmental rights and the right to a healthy environment in Latin America and the Caribbean, 9 July

-a side event at the High-Level Political Forum in New York, Building back better for nature and people to achieve the 2030 Agenda, through a transformational green recovery and recognising the right to a healthy environment, convened by Birdlife International, 7 July

- a panel during the annual Day of Discussion on children's rights at the Human Rights Council, which this year focused on children's rights and the environment, 1 July
- online keynote for civil society event celebrating UN 75th anniversary, 26 June
- panelist with John Knox for webinar on Law at the Intersection of Human Rights and Climate Change, International Law section of American Bar Association, 24 June
- opening keynote for webinar International Environmental Law: Year in Review, New York Bar Association, 23 June
- participant in a dialogue with global thought leaders on conservation and human rights, convened by WWF, 8 June
- panelist, webinar on Human Rights Strategies in Climate Change Litigation, Global Network on Human Rights and the Environment, 8 June
- livecast conversation with Christiana Figueres and Rodolfo Solano-Quirós, Costa Rica's Minister of Foreign Affairs, World Environment Day, 5 June
- keynote speech for Symposium on Human Rights, Sustainable Development Goals and the Law, McGill University and Centre for International Sustainable Development Law, 15 May
- panelist for RightOn webinar "From crisis to opportunity: how to build back better?" Universal Rights Group, 13 May
- panelist, Human Rights and Climate Change Workshop, University of Essex, 30 April
- participant, Climate Litigation in the Era of COVID-19, New York University, 30 April
- panelist, Law at the Intersection of Human Rights and the Environment, Ecological Law and Governance Association and Global Network on Human Rights and the Environment, 21 April

Friend of the Court

The former mandate holder, Professor John Knox, and I recently filed an amicus brief with the Committee on the Rights of the Child addressing admissibility issues in the climate change case brought by a group of sixteen children and youth, including Greta Thunberg. The sixteen young people allege that Argentina, Brazil, France, Germany, and Turkey violated their rights to health, life, and culture under the Convention on the Rights of the Child. Our brief argues that the Committee should confirm the admissibility of the communication and move swiftly to adjudicate the case on its merits.

Lots more action pending on amicus briefs in cases all over the world, so stay tuned for a full update in the next newsletter!

Country Visits 2020

We have tentatively scheduled a visit to Slovenia in October, pending the lifting of travel restrictions. We have received invitations from India and the Maldives, and reached out to several other countries requesting visits but have currently put all country visit plans on hold.

Communications

We invite communications that allege violations of human rights related to environmental damage, degradation, hazards, or the fundamental rights of environmental and activists. We do our best to confirm the facts, identify the relevant principles and obligations of international human rights law, and ask States, and in some cases businesses, to respond to the allegations. Often a group of special procedures will coordinate a joint communication. In some cases, pressure from the UN can result in positive changes, protecting both human rights and the environment.

Recent communications that the environment mandate has joined include: France, Thailand, Uganda, Myanmar, Republic of Korea, Colombia, Iran, and Israel. We also sent a letter to Uruguay expressing concern about proposed legislative changes related to protected areas, and are pleased to report that the proposed changes were dropped.

Additional information regarding submitting information is available on the mandate's [website](#).

Conclusion

The previous newsletter mentioned plans to attend major events in Brazil, France, and China in 2020. All are postponed until 2021. We will be presenting our report on Human Rights and Healthy Ecosystems to the UN General Assembly in October (tentatively scheduled for Oct. 26). Whether that takes place in New York City or via videoconference remains to be decided. We are also planning to participate in the UN Biodiversity Summit in September

Instead of 2020, 2021 is going to be a super year for nature, with the World Conservation Congress (Marseille, January); the development of the post-2020 global biodiversity framework and the 15th Conference of the Parties to the Convention on Biodiversity (China); and the 26th Climate COP (in Glasgow, November). We will be championing a rights-based approach in all of these forums, as well as in countless events online. You can keep up to date by following us on Twitter [@SREnvironment](#)

In closing, some sad/happy news. Soo Young Hwang, who worked with me shoulder to shoulder since I took over the mandate from John Knox in August 2018, has moved on to greener pastures, joining UN Environment's dynamic Environmental Rights Initiative. Soo Young was an incredible colleague, and I am relieved that we will still be able to work together on recognition and implementation of the right to a healthy environment. I am fortunate to have two terrific new colleagues joining the mandate at the Office of the High Commissioner on Human Rights, Viktoria Aberg and Bashar Jamal. Welcome aboard Viktoria and Bashar!!

We continue to welcome your ideas, suggestions, and feedback on the mandate! You can reach us through the official UN email address srenvironment@ohchr.org

Please take care, stay healthy, and keep up your great work on behalf of this beautiful planet and its amazing people.



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