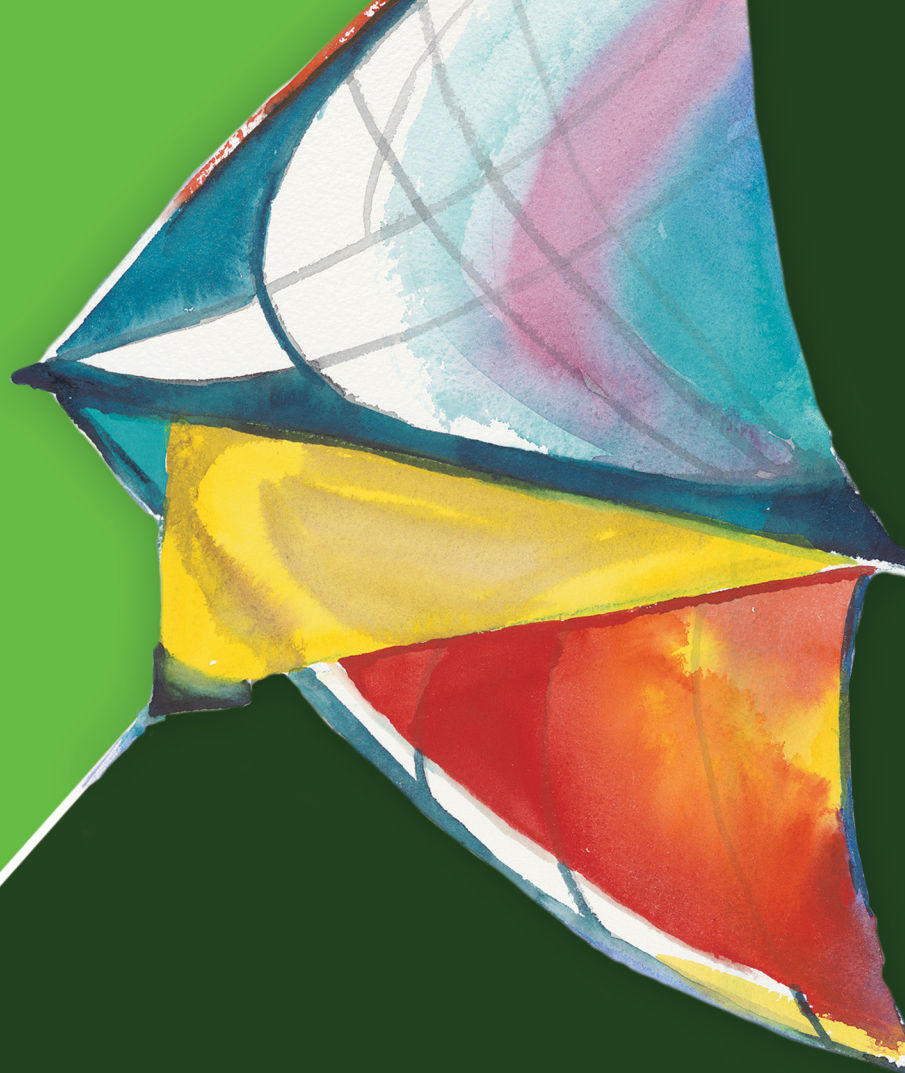


SERIES ON HUMAN RIGHTS AND HEALTH



7. ENVIRONMENT AND CLIMATE CHANGE

A Human Rights-based Approach

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7. ENVIRONMENT AND CLIMATE CHANGE: A Human Rights-based Approach

"The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition."

Preamble to the Constitution of the World Health Organization

THE TRAGEDY OF MERCURY IN COMMUNITIES¹

Artisanal gold mining in the Arauganho rainforest poses a serious present and latent hazard to the health of people and the environment, primarily because it involves the use of toxic substances such as mercury, which are enormously harmful to the ecosystem and the health of protected natural areas and the people who live there.

The La Luna River region is no stranger to this reality and has been identified as one of the areas most affected by mercury contamination above permissible thresholds due to widespread small scale artisanal gold mining. This is a largely informal activity, with more than 30,000 miners operating in protected natural areas and on indigenous lands. It is estimated that over the past 30 years, more than 67,000 kg of mercury have been dumped into the region's rivers and around 100,000 hectares of tropical forest have been deforested, causing serious soil erosion.

The release of mercury into rivers has poisoned fish and affected the wildlife that go there to drink. As for the public health impact on the region's communities, once released, mercury builds up in the environment and contaminates food chains, thereby also harming people, causing, among other problems, severe damage to the nervous system, birth defects, and even death.

It is important to recognize that the effects of mercury pollution in this region will persist, may worsen over time, and will particularly affect children. Indigenous communities are at highest risk due to their high consumption of mercury-contaminated fish, as are miners, who work under conditions that put them at high risk of direct exposure to mercury and other toxic chemicals. The general population is also affected by the amounts of mercury discharged into the water sources used by villages throughout the La Luna River basin.

As for the environmental impact of mining, the ecosystem has been compromised by this activity, which has altered the landscape and led to deforestation, soil degradation, sediment-clogged river channels and lagoons, the accumulation of sludge in the soil, deterioration of the quality of surface water (rivers and streams), the disappearance of aquatic flora and fauna, and noise, fossil fuel, and solid waste pollution.

In the past decade, the government has had a greater presence in these areas, instituting regulatory and monitoring measures. These actions have been coupled with joint efforts by the public and private sectors and repeated demands from a multitude of actors to find a solution to the overarching problem of artisanal gold mining. Nonetheless, the government's presence in many mining areas is limited, as is its ability to control the situation, so the negative health and environmental impacts are still quite substantial.

¹ This account is based on similar events that occurred in Latin America.

DEGRADATION OF THE PARAÍSO RIVER²

The Paraíso River forms the river basin that has been most studied because of its pollution problems and because it is the country's most visible environmental problem. With an area of roughly 2,200 km², it is home to more than four million people scattered across different jurisdictions. In this territory, rainwater forms streams that converge in a main waterway 64 km long. It is the country's most urbanized and industrialized area, with a highly dense population.

The degradation of this river basin dates back more than 200 years. In 1801, the first salteries were built on the banks of the river and began dumping waste composed of scraps of animal hide, meat, bones, and fat. Ten years later, the river was further polluted by the activities of tanneries, slaughterhouses, and fat processors. Over the past 100 years, the river basin has been used as a cesspool for the metropolitan area of the country's principal metropolis, which continues to grow. Industries have put roots there, and ramshackle settlements of highly vulnerable populations have proliferated. These slums house 25% of the river basin's total population, half of which has no access to reliable sanitation services and one quarter has no access to a safe supply of drinking water. Moreover, the presence of small garbage dumps, overcrowding, overpopulation of domestic animals, the endemic presence of rodents and other vectors, settlements in flood zones, and the consumption of unsafe food are common. In addition, their residents have limited economic and educational resources to cope with these hazards.

Three areas can be distinguished in the basin: a low basin, which is the most urbanized area and is contaminated by discharges of industrial and household waste, where river sediments have a high concentration of heavy metals such as mercury, lead, copper, cobalt, and zinc, together with organic compounds; a middle basin, consisting of an area affected by discharges of industrial and household effluents and the presence of numerous open dumps, where floating solid waste, oils, and grease can be observed, and phosphorus, nitrogen, and heavy metals are also present; and a high basin, where the waterway is polluted with organic waste and pesticides.

A group of 17 people exercising their rights—some of them also representing their young children—filed a lawsuit against the national government, the provincial governments, 14 municipalities, and 44 companies that pollute the basin for damages and restoration of the environment as victims of the environmental pollution caused by the watershed. This lawsuit was accompanied by briefs from several nongovernmental organizations, as well as the national Ombudsman.

The country's highest court agreed to hear the case directly, as it involved the pollution of environmental resources, was an interjurisdictional matter, and its main objective was the defense of the environment, an indivisible public good for common use. Before issuing a ruling, the country's highest court asked the authorities that were the defendants in the lawsuit to submit a gradual and comprehensive plan for cleaning up the basin that included environmental management of the territory, the control of human activities, a study on the environmental impact of the companies sued, an environmental education program, and an environmental information program. The companies were required to report on the waste they dumped into the river and the treatment systems they employed and, with the collaboration of the public university, the court thoroughly analyzed the plan drawn up by the defendant authorities and listened to the views of the plaintiffs and the organizations and institutions acting as third parties in the case.

² This account is based on similar events that occurred in Latin America. Fictitious names are used.

The judgment handed down by the highest court ordered the defendants to meet three objectives: a) improve the quality of life of the basin's residents; b) restore all components of the environment (water, air, and soil), and c) prevent damage through adequate and reasonable foresight.

Thus, an interesting and creative model of judicial intervention has been created for complex structural cases, as a legal duty has been established to search for a comprehensive organic solution covering all jurisdictions involved and a collective impairment of rights has been recognized. The judgment creates a Basin Authority with the objective of adherence to a timetable of specific actions and responsibilities in the basin; in the event of noncompliance, its authorities could be fined individually, and a public and civil society oversight system was created to ensure and monitor compliance with the order.

Environmental damage: situation and impact

Environmental public health, a term meaning the intersection of the environment and public health, covers environmental factors that influence human health, among them physical, chemical, and biological factors and all related behaviors. Together, these conditions are called "environmental determinants of health."

An estimated 13% of deaths in the Americas, equivalent to 847,000 deaths per year, are attributable to environmental risks. Approximately 28 million people are without access to an improved water source, 83 million people are without access to improved sanitation facilities, and 15.6 million still defecate in the open, causing nearly 30,000 preventable deaths per year (1).

More than 80 million people still depend on polluting fuels, such as solid fuels or kerosene, for lighting, cooking, and heating (1). Chemical risks, such as exposure to toxic pesticides, lead, and mercury, tend to disproportionately affect children and pregnant women.

Toxic chemical exposure can cause chronic and often irreversible health problems, such as birth defects and neurodevelopmental disorders and diseases associated with endocrine disruption.

Climate-related factors are increasingly affecting the health and well-being of the population of Region of the Americas, because they disrupt global physical, biological, and ecological systems. Health effects can include increased respiratory and cardiovascular disease, injuries, and premature deaths associated with extreme weather events, food insecurity, and air pollution, threats to mental health, and changes in infectious disease transmission patterns (1).

Groups in situations of vulnerability because of environmental hazards – people living on small islands, for example – are at disproportionate risk due to the greater frequency and severity of extreme weather events and rising sea levels; mountain communities are at disproportionate risk due to changes in river flows, flora, and fauna and a higher risk of rockslides, avalanches, and flooding caused by melting glaciers and decreased snow cover.

New environmental hazards are also emerging, such as e-waste, nanoparticles, microplastics, and chemicals, which disrupt the endocrine system, along with complex management challenges posed by interregional pollution (e.g., cross-border air pollution and polluted common watersheds).

Five key Sustainable Development Goals (SDGs) of the 2030 Agenda address the environmental determinants of health and contribute directly and indirectly to SDG 3, which is focused on health (“Ensure healthy lives and promote well-being for all at all ages”). These SDGs tackle the issues of water, sanitation and hygiene, air quality, chemical safety, and climate action (2).

To meet these goals, environmental public health programs must assess potential health problems attributable to environmental factors; develop inclusive and equitable public policies to protect all people from environmental hazards; and ensure compliance with these policies. This is accomplished through inter-programmatic, intersectoral, multisectoral, subnational, national, and supranational approaches. It is important for environmental public health programs to foster an environmentally responsible and resilient health system, as well as environmentally healthy and resilient communities.

Threats to any of these determinants can adversely affect the health and well-being of the entire population. Tackling the environmental determinants of health directly improves the health of populations. Indirectly, it boosts productivity and increases the enjoyment of goods and services unrelated to health.

A healthy environment is vital for guaranteeing a healthy life and promoting well-being for all at all ages.

Protection under international and regional human rights instruments

Both the United Nations and the Inter-American Human Rights System have an important set of legal instruments that recognize and protect the rights and freedoms of all persons, without distinction of any kind, such as to ethnicity, color, sex, language, religion, political or other ideology, national or social origin, economic status, birth, or other status. Moreover, international

instruments specifically protect the right to a healthy environment. These instruments not only recognize human rights but establish obligations for States, such as the duty to protect against third parties violating those rights. This is central to addressing this issue, as States have a duty to monitor and supervise all private companies that have a direct or indirect impact on the environment.

Conventions or treaties are binding legal instruments for States that have ratified them. There are also other instruments, such as declarations, resolutions, and comments issued by mechanisms of the United Nations and the Inter-American System, which establish international human rights standards.

Human rights standards represent a consensus of international opinion. In most cases, they are issued by the United Nations General Assembly, the Human Rights Council, and specific mechanisms for monitoring treaties and other commitments and obligations of United Nations States; by the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS); and by specialized agencies of the United Nations and Inter-American System.

These standards constitute a basic guide for the implementation of human rights treaties in countries through the drafting and amendment of legislation, policies, plans, or programs for greater protection of the right to health, a healthy environment, and other rights related to stewardship of the planet.

Recognition of the close relationship between human rights, health, and the environment has largely taken two forms: (a) the adoption of a new explicit right to the environment, characterized as healthy, safe, satisfactory, or sustainable; and (b) heightened attention to the relationship to the environment of already recognized rights, such as the right to life and health (3).

United Nations Human Rights System

The United Nations human rights monitoring system consists of two types of bodies: United Nations Charter-based bodies and treaty bodies (4). The charter-based bodies are the Human Rights Council (an intergovernmental body composed of 47 members, charged with the promotion and protection of all human rights) (5), the universal periodic review (a process led by the States for reviewing the human rights situation in all States, offering each State an opportunity to describe the measures it has taken to address and improve the human rights situation in the country (6), and the special procedures of the Human Rights Council (a mechanism that gives prominent individuals, either individually or as a working group, a mandate to address specific situations or thematic areas (7); examples of this mechanism are the Special Rapporteur on Human Rights and the Environment³ and the Special Rapporteur on Toxics and Human Rights)⁴.

On 8 October 2021, the Human Rights Council for the first time adopted a resolution recognizing access to a healthy and sustainable environment as a universal right, an action that will support the fight against environmental crises in a more coordinated, effective, and nondiscriminatory manner. The resolution includes an invitation to the United Nations General Assembly to also address this matter (8).

The Special Rapporteur on Human Rights and the Environment has produced a number of thematic reports. In particular, in 2018 it presented a report on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy, and sustainable environment, in which it recommends that the United Nations General Assembly recognize the human right to a safe, clean, healthy, and sustainable environment. It also states that States need to intensify their efforts

to implement and comply with human rights obligations related to a safe, clean, healthy, and sustainable environment. It further indicates some of the actions that States should take, such as stricter environmental laws and policies, greater public engagement in environmental decision-making, the reduction of environmental injustices, etc. (9).

The Special Rapporteur on Toxics and Human Rights has noted that, given the proliferation of environmental conflicts and persistent intimidation, harassment, and detention of defenders of human rights related to the environment, the Escazú Agreement offers hope to countless individuals and communities in the Region suffering from pollution and the adverse impact of extractive industries (10).

United Nations treaty bodies are committees of independent experts that monitor the implementation of international human rights treaties (11). Their existence derives from the treaties themselves; for example, the Committee on the Rights of the Child is a group of 18 independent experts that monitors implementation of the convention of the same name (12). These treaty bodies are empowered to issue general comments on matters affecting their mandate and to intervene in individual communication processes in which they issue recommendations concerning the specific case before them. The Committee on the Rights of the Child is currently preparing a general comment on the rights of the child and the environment, with a focus on climate change (13).

In 2019, the Committee on the Rights of the Child received a communication from 16 children in 12 countries stating that the lack of action by States violated their right to a healthy environment and engendered international responsibility on the part of States that had ratified the Convention on the Rights of the Child.

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

4 <https://www.ohchr.org/EN/Issues/Environment/SRToxicsandhumanrights/Pages/Index.aspx>

The communication was submitted under the Third Optional Protocol to the Convention on the Rights of the Child, which establishes the mechanism whereby children themselves may resort to the Committee if their rights are violated. On 11 October 2021, the Committee declared the communication inadmissible, alleging the failure to have exhausted each State's domestic remedies. However, despite its rejection of this communication, the Committee set an interesting precedent in terms of protecting the right to a healthy environment. In its decision, the Committee indicated that States may be held responsible for the adverse impact of their carbon emissions on the rights of children in their territories and beyond. The Committee declared that States have a duty to control the emissions they produce and that there is evidence of a link between such emissions and the harm alleged by the children who submitted the communication (14). As noted above, the communication was rejected on procedural grounds.

Finally, it should be noted that several United Nations bodies have affirmed that human rights and environmental protection are inherently interdependent, because human rights are based on respect for fundamental human attributes such as dignity, equality, and freedom. Realization of those attributes depends on an environment that allows people to flourish. At the same time, effective environmental protection often depends on the exercise of human rights that are vital to drafting informed, transparent, and appropriate policies (15).

Binding international legal instruments⁵

International Covenant on Civil and Political Rights (1966)

This Covenant provides that all human beings have the inherent right to life, that no one shall be arbitrarily deprived of life, and that each State Party to the Covenant

shall respect all persons within its territory and subject to its jurisdiction without distinction of any kind, such as to ethnicity, color, sex, language, religion, political or other ideology, national or social origin, economic status, birth, or other status. With regard to equality, it recognizes that all persons are equal before the law and have the right to equal protection before the law without any discrimination. It further establishes that all peoples have the right to self-determination, by virtue of which they freely determine their political status and pursue their economic, social, and cultural development, and that, for their own ends, all peoples may freely dispose of their natural wealth and resources, without prejudice to any obligations arising out of economic cooperation, based on the principle of mutual benefit, as well as international law. In no case may a people be deprived of its own means of subsistence (16).

International Covenant on Economic, Social and Cultural Rights (1966)

This treaty recognizes a wide range of economic, social, and cultural rights, such as the right to health, education, work, social security, and culture without discrimination as to ethnicity, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth or other status.

This treaty recognizes in particular the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Measures to be taken by States Parties to the Covenant to ensure the full realization of this right include those necessary to: (a) reduce stillbirth and infant mortality and provide for the healthy development of children; (b) improve all aspects of environmental and industrial hygiene; (c) prevent, treat, and control epidemic, endemic, occupational, and other diseases; and (d) create conditions

⁵ The designations "covenant" and "convention" or other terms do not change the binding nature of these instruments. These are treaties within the meaning of the Vienna Convention on the Law of Treaties (1969), which provides that any treaty is binding on States that have ratified it and must be complied with in good faith; States Parties may not invoke provisions of their domestic law as justification for noncompliance with a treaty.

that would assure medical service and medical attention to all in the event of sickness. It also recognizes the right of everyone to a decent standard of living for oneself and one's family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. It also recognizes the right of all persons to enjoy fair working conditions that ensure, in particular, safe and healthy working conditions (17).

Convention on the Elimination of All Forms of Discrimination against Women (1979)

This instrument of international law condemns discrimination against women in all its forms and recognizes rights and obligations of States in the promotion and protection of women's rights. States should eradicate any act or practice of discrimination against women and, in particular, ensure that public authorities and institutions take all appropriate measures to eliminate discrimination against women in the field of health care to ensure, on an equal basis between men and women, access to health care services. The Convention also recognizes the right of all women to safe working conditions. It further establishes the obligation of States Parties to take all appropriate measures to eliminate discrimination against women in rural areas to ensure, on an equal basis between men and women, that they participate in and benefit from rural development, ensuring their right to enjoy adequate living conditions, particularly in the areas of housing, sanitation, electricity and water supply, transport, and communications (18).

Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

The main objective of the Montreal Protocol is to protect the ozone layer through measures to control the total global production and consumption of substances that deplete it, with the ultimate goal of eliminating those substances, based on advances in scientific knowledge and technological information.

The Montreal Protocol is structured around several groups of ozone-depleting substances. Chemical groups are classified by chemical family and are listed in the annexes to the Protocol. This instrument requires the control of almost 100 chemicals in various categories. For each chemical group or annex, the treaty establishes a timetable for phasing out the production and consumption of those substances, with the goal of eventually eliminating them entirely (19).

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)

This Convention is based on the recognition that hazardous wastes and other wastes and their transboundary movements can damage human health and the environment and that the generation of hazardous wastes and other wastes poses a growing threat to human health and the environment. It therefore aims to minimize their generation in terms of quantity and hazard potential and to establish obligations for States Parties to take the necessary steps to ensure that the management of hazardous wastes and other wastes, including their transboundary movements and disposal, is consistent with the protection of human health and the environment, whatever the place of disposal (20).

Convention on the Rights of the Child (1989)

This Convention recognizes the right of children to life, physical, mental, and moral integrity, and health. It also recognizes the right to safe and healthy working conditions for adolescents, as well as their right to a healthy environment. It further guarantees the right of children and adolescents to rest and leisure and to equal opportunities for cultural, artistic, and recreational activities. It likewise recognizes the right of children to enjoy the highest attainable standard of health and to services for the treatment of illness and rehabilitation of health. To this end, States Parties must pursue full implementation of this right and, in particular, take

appropriate steps to combat disease and malnutrition, including within the framework of primary health care, through, among other aspects, the application of readily available technology and the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution. Finally, the Convention provides that children's education should be directed, inter alia, to instilling in them respect for the natural environment (27).

International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples (1989)

This is one of the main instruments for promoting and protecting the rights of indigenous peoples and it contains specific provisions on environmental protection. It states that indigenous peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination and holds States responsible for ensuring that all indigenous peoples have the same rights and opportunities as nonindigenous peoples. The Convention recognizes and protects the social, cultural, religious, and spiritual values and practices of these peoples and refers specifically to the duty of States Parties to make the improvement of their living and working conditions and levels of health and education a priority in national plans. It also guarantees the right of indigenous peoples to own and possess land and not to be displaced and establishes the obligations of States Parties in relation to the right to health and social security, namely: the availability of health services for indigenous peoples, implementation of community-based services that take traditional preventive care and healing practices and medicines into account, and the training of local community health workers.

In particular, it provides that States shall take such special measures as may be necessary to safeguard the environment of the peoples concerned and that governments shall ensure that, where appropriate, studies are carried out, in cooperation with the peoples concerned,

in order to assess the social, spiritual, and cultural and environmental impact that planned development activities may have on those peoples. The findings of these studies shall be considered fundamental criteria for the implementation of these activities. Governments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories they inhabit (22).

United Nations Framework Convention on Climate Change (1992)

In 1992, the Earth Summit gave rise to the United Nations Framework Convention on Climate Change as a first step toward tackling this enormous problem. Today, 197 countries have ratified the Convention, whose ultimate goal is to prevent "dangerous" human interference in the climate system (23).

Their aim is to achieve, under the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner (24).

Convention on Biological Diversity (1992)

This Convention is the international instrument for the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits stemming from the utilization of genetic resources. Ratified by 196 countries, its general objective is to promote measures that lead to a sustainable future.

Conservation of biological diversity is a common concern of humankind, the Convention on Biological Diversity covers biological diversity at all levels: ecosystems, species, and genetic resources. The Convention's

governing body is the Conference of the Parties. This supreme authority of all governments (or Parties) that have ratified the Convention meets every two years to review progress, set priorities, and adopt work plans (25).

United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994)

The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, with the support of international cooperation and partnership arrangements through an integrated approach that contributes to the achievement of sustainable development in affected areas. Achieving this objective involves long-term integrated strategies in affected areas that focus simultaneously on improved productivity of land and the rehabilitation, conservation, and sustainable management of land and water resources, leading to improved living conditions, especially at the community level (26).

Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)

In 1995, the international community began negotiations to strengthen the global response to climate change. Two years later, in 1997, 83 countries had signed and 46 had ratified the Kyoto Protocol. Today, there are 192 States Parties. This instrument legally obligates developed country Parties to meet emission reduction targets. The Protocol's first commitment period began in 2008 and ended in 2012. The second commitment period began on 1 January 2013 and ended in 2020. There are currently 197 Parties to the Convention and 192 Parties to the Kyoto Protocol (23).

The Protocol provides that, to promote sustainable development, Parties to the Protocol shall implement and/or further design policies and measures in accordance with their national circumstances, including: the promotion of sustainable forms of agriculture in light of climate change considerations; research on, and the promotion, development and increased use of new and renewable forms of energy, carbon dioxide sequestration technologies, and advanced and innovative environmentally sound technologies; progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies that run counter to the objective of the Convention in all greenhouse gas emitting sectors and market instruments, and limitation or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport, and distribution of energy, among other things (27).

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

This Convention seeks to promote the shared responsibility and joint efforts of Parties in the international trade of certain hazardous chemicals to protect human health and the environment. Its main objectives are: to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals, to protect the human health and the environment from potential harm; contribute to the environmentally sound use of these substances by facilitating the exchange of information about their characteristics, by providing for a national decision-making process on their import and export, and disseminating these decisions to Parties (28).

Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal (1999)

The objective of this Protocol to the Basel Convention is to establish a comprehensive regime for liability and adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes and their disposal, including illegal traffic in those wastes (20).

Stockholm Convention on Persistent Organic Pollutants (2001)

This treaty, which entered into force in 2004, aims to protect human health and the environment from persistent organic pollutants. The Convention requires Parties to take measures to reduce and/or eliminate the production, use, import, export, and release of such pollutants into the environment and includes provisions on access to information, public education and training, and participation in the development of implementation plans (29).

Minamata Convention on Mercury (2013)

The Minamata Convention was adopted at a 2013 Plenipotentiary Conference in Kumamoto, Japan, and entered into force in August 2017. It already has 135 Parties, and new countries are constantly joining. Its core purpose is to “protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.” It includes provisions on public information, environmental education, participation, promotion, and capacity building. Parties to the Minamata Convention work to reduce, and where possible, eliminate the use of mercury in artisanal and small-scale gold mining without pushing this often-informal sector underground. This is primarily done

through formalization, including improving transparency and accountability in global gold supply chains.

The year 2020 marked a milestone for the agreement: that year, the Parties were required to stop manufacturing, importing, and exporting many mercury products listed in the treaty (30).

Paris Agreement (2015)

The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at the 21st Conference of the Parties, held in Paris on 12 December 2015, and entered into force on 4 November 2016. It aims to limit global warming to well below 2°C, preferably 1.5°C, compared to pre-industrial levels.

To achieve this long-term temperature target, countries aim to reach for a peaking of greenhouse gas emissions as soon as possible to achieve a climate-neutral planet by mid-century.

The Paris Agreement is a milestone in the multilateral climate change process, because, for the first time, a binding agreement brings all countries together in common cause to undertake ambitious efforts to combat climate change and adapt to its effects.

Implementing the Paris Agreement requires economic and social transformation based on the best available science. It operates in a five-year cycle of increasingly ambitious climate measures carried out by the countries. In 2020, the countries submitted their climate action plans, known as nationally determined contributions (NDCs). In their NDCs, countries communicate the actions they will take to reduce their greenhouse gas emissions to meet the objectives of the Paris Agreement. In these NDCs, the countries also communicate the action they will take to build resilience and adapt to the effects of rising temperatures (31).

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement, 2018)

The Escazú Agreement is a regional environmental treaty fundamental to the promotion and protection of the right to a healthy environment. Based on Principle 10 of the 1992 Rio Declaration on Environment and Development, this Regional Agreement originated at the United Nations Conference on Sustainable Development (Rio+20). It is a pioneering legal instrument on environmental protection, but a human rights treaty as well. Its main beneficiaries are the region's population, especially the most vulnerable groups and communities. Its objective is to guarantee the right of all people to timely and appropriate access to information, to participate meaningfully in decisions that affect their lives and their environment, and to access justice when these rights have been violated. The treaty recognizes the environmental rights of all people, provides measures to facilitate their exercise, and, most importantly, establishes mechanisms to realize them.

It is a visionary and unprecedented agreement, reached by and for Latin America and the Caribbean, that reflects the ambitions, priorities, and particularities of the region. It addresses key aspects of environmental management and protection from a regional perspective and regulates the rights of access to information, public participation, and justice in such important areas as the sustainable use of natural resources, the conservation of biological diversity, the fight against soil degradation and climate change, and enhancing resilience to disasters. It also includes the world's first binding provision on the defenders of human rights related to the environment in a region where, unfortunately, these individuals are too often the victims of aggression and intimidation. From a human rights standpoint, fundamental democratic principles are recognized and efforts are made to address one of the region's most important challenges: the scourge of inequality and a deeply rooted culture of privilege. Through transparency, openness, and participation, the Regional Agreement contributes to the transition toward a new development model and tackles the inefficient and unsustainable culture of limited and fragmented interests that prevails in the region. The Agreement therefore embodies the commitment to include people who have traditionally been excluded, marginalized, or underrepresented and to give voice to those who do not have it, leaving no one behind.

Some of the issues addressed in this instrument are linked to the obligations of States Parties to guarantee the right of every person to live in a healthy environment; adopt the necessary measures of a legislative, regulatory, administrative or any other nature in the framework of its domestic provisions to guarantee implementation of the provisions of the Agreement; provide the public with information to facilitate the acquisition of knowledge on access rights; guarantee an enabling environment for the work of persons, associations, organizations, or groups that promote environmental protection by recognizing and protecting them; ensure open and inclusive participation in environmental decision-making processes, based on domestic and international normative frameworks; and guarantee the right of access to justice in environmental matters in accordance with the guarantees of due process.

This Agreement establishes a Conference of the Parties to follow up on compliance with the Agreement, as well as a Committee to Support Implementation and Compliance as a subsidiary body of the Conference of the Parties, to promote the implementation of the Agreement and support the Parties in their implementation. To date, 24 countries have signed the Agreement and 12 have ratified it, and, after meeting the requirements set forth in Article 22, the Escazú Agreement entered into force on 22 April 2021 (32).

International declarations, principles, recommendations, and guidelines

Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights establishes that all people are free and equal in rights and dignity. This general provision confers on all persons all the rights and freedoms set forth in the Declaration, without distinction of any kind. It also establishes that all persons are equal before the law and have the right to equal protection of the law without any discrimination, as well as to freedom of opinion and expression, and the right to safe and healthy working conditions (33).

General Comment No. 14 of the Committee on Economic, Social and Cultural Rights on the right to the enjoyment of the highest attainable standard of health (2000)

This general comment is central to understanding the scope of the right to health and the obligations assumed by States upon ratification of the International Covenant on Economic, Social and Cultural Rights. In this general comment, the Committee on Economic, Social and Cultural Rights reviews the content and scope of Article 12 of the Covenant on the right to health, as well as the obligations of States Parties arising from it, and provides clear guidelines on what measures should be adopted to ensure it. In the comment, the Committee states that the right to health is closely related to and interdependent with other human rights, such as the right to life, freedom from all discrimination, equality, personal freedom, personal integrity, freedom of association, assembly and movement, food, housing, water, employment, and education.

The Committee also sets out the four essential and interrelated elements that make up the right to health in all its forms and at all levels, whose implementation will depend on the conditions prevalent in a given State Party:

(a) Availability. Public health and healthcare facilities, goods and services, as well as programs, must be available in sufficient quantity within each State Party. The precise nature of the facilities, goods, and services may vary depending on numerous factors, including the State Party's level of development. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical personnel and other professionals receiving domestically competitive salaries, and essential drugs, as defined by the World Health Organization's (WHO) Action Programme on Essential Drugs;

(b) Accessibility. Health facilities, goods and services must be accessible to everyone without discrimination throughout the jurisdiction of each State Party. This element has four dimensions: (i) nondiscrimination; (ii) physical accessibility; (iii) economic accessibility (affordability); and (iv) access to information.

(c) Acceptability: All health facilities, goods and services must be respectful of medical ethics and culturally appropriate--i.e., respectful of the culture of individuals, minorities, peoples, and communities; sensitive to gender and life-cycle requirements; and designed to respect confidentiality and improve the health status of those concerned;

(d) Quality: As well as being culturally acceptable, health facilities, goods, and services must also be scientifically and medically appropriate and of good quality. This requires, among other aspects, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation (34).

General Comment No. 15 of the Committee on Economic, Social and Cultural Rights on the right to water (2003).

The Committee on Economic, Social and Cultural Rights states in this general comment that the right to water

contains both freedoms and entitlements. Freedoms include the right to maintain access to existing water supplies necessary for the right to water and the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies. Entitlements include the right to a system of water supply and management that provides equal opportunity for people to enjoy the right to water.

While the adequacy of water required for the right to water may vary according to conditions, the Committee notes that the following factors apply in all circumstances: (a) availability: the water supply for each person must be continuous and sufficient for personal and household hygiene, and the amount of water available for each person should correspond to WHO guidelines; (b) quality: the water required for each personal or domestic use must be safe and therefore must be free from micro-organisms, chemical substances, or radiological hazards that constitute a threat to a person's health, and should be of a color, odor, and taste acceptable for each personal or domestic use; and (c) accessibility: water and water facilities and services must be accessible to everyone without discrimination in the jurisdiction of the State Party.

Finally, the Committee indicates that States Parties have a constant and continuing duty under the Covenant to move as expeditiously and effectively as possible toward full realization of the right to water (34).

United Nations Declaration on the Rights of Indigenous Peoples (2007)

This declaration states that indigenous peoples have the right to the full enjoyment, as a collective and as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights law. It specifically provides that indigenous peoples have the right to the conservation and protection of the environment and the productive

capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

The Declaration also recognizes the right of indigenous peoples to their traditional medicines, to maintain their health practices, and to enjoy the highest attainable standard of health, which are fundamental to the exercise of other rights and freedoms set forth in that instrument, such as the right to be free from all forms of discrimination, the right to life, the right to physical and mental integrity, the right to practice their cultural traditions and customs, the right to manifest their spiritual and religious traditions, the right to establish and control their educational systems, the right to maintain and develop their political, economic and social institutions or systems, and the right to improve their economic and social conditions, among other things (35).

Guiding Principles on Business and Human Rights (2011)

These Guiding Principles apply to all States and all business enterprises, both transnational and others, regardless of their size, sector, location, ownership, or structure. These Guiding Principles should be understood as a coherent whole and read, individually and collectively, in terms of their objective to enhance standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities, and thereby contribute to socially sustainable globalization. The principles determine, *inter alia*, that States must protect against human rights abuses by third parties within their territory or jurisdiction, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish, and redress such abuse through effective policies, legislation, regulations, and redress. States should also clearly indicate the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

Furthermore, these principles also spell out the obligations of businesses, stating that businesses must respect human rights. That means that they must avoid infringing on the human rights of others and should address adverse human rights impacts in which they are involved. The duty to respect human rights requires that business enterprises: (a) avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur, and (b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products, or services by their business relationships, even if they have not contributed to these impacts. This responsibility applies to all business enterprises regardless of their size, sector, operational context, ownership, and structure.

These Principles describe concrete measures that business enterprises must adopt to prevent human rights violations or mitigate any adverse impacts of their activities, in particular on the environment. This instrument is essential in the context of protecting the environment and promoting business enterprises' responsibility for its stewardship (36).

General Comment No. 15 of the Committee on the Right of the Child on the right of the child to the enjoyment of the highest attainable standard of health (2013)

In the words of the Committee on the Rights of the Child: "The present general comment is based on the importance of approaching children's health from a child-rights perspective that all children have the right to opportunities to survive, grow and develop, within the context of physical, emotional and social well-being, to each child's full potential" (36). The aim of this comment is to provide guidance and support to States Parties and other duty bearers to support them in respecting, protecting, and fulfilling children's right to the enjoyment of the highest attainable standard of health.

In this document the Committee defines children's right to health as consisting of a set of freedoms and entitlements. The freedoms, which are of increasing importance in accordance with growing capacity and maturity, include the right to control one's health and body, including sexual and reproductive freedom to make responsible choices. The entitlements include access to a range of facilities, goods, services, and conditions that provide equality of opportunity for every child to enjoy the highest attainable standard of health.

In this general comment, States must adopt measures to address the dangers and risks that local environmental pollution poses to children's health in all settings. Adequate housing that includes non-dangerous cooking facilities, a smoke free environment, appropriate ventilation, effective management of waste and the disposal of litter from living quarters and the immediate surroundings, the absence of mold and other toxic substances, and family hygiene are core requirements for a healthy upbringing and development. States should regulate and monitor the environmental impact of business activities that may compromise children's right to health, food security, and access to safe drinking water and to sanitation.

The Committee draws attention to the relevance of the environment, beyond environmental pollution, to children's health. Environmental interventions should, inter alia, address climate change, as this is one of the biggest threats to children's health and exacerbates health disparities. States should therefore put children's health concerns at the center of their climate change adaptation and mitigation strategies (37).

2030 Agenda for Sustainable Development: Sustainable Development Goals (2015)

The 2030 Agenda for Sustainable Development proposes ending poverty for all people and moving toward gender equality, women's empowerment, good health and well-being at all ages, economic growth,

full employment, and inclusive cities and human settlements.

In the context of the environmental determinants of health, achieving SDG 3 (“Good health and well-being”) will require the implementation of measures within the health sector and other sectors that can provide health benefits. For example, measures aimed at helping to meet SDG 6 (“Clean water and sanitation”), SDG 7 (“Affordable and clean energy”), SDG 11 (“Sustainable cities and communities”), SDG 12 (“Responsible consumption and production and”), and SDG 13 (“Climate action”), among other goals, can provide health benefits that help meet SDG 3.

With respect to the environment, Goal 13 calls for urgent action to combat climate change and its impacts; this goal includes the following targets: 13.1) Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries; 13.2) Integrate climate change measures into national policies, strategies and planning 13.3) Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning; 13.A Implement the commitment undertaken by developed country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible; and 13.B Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth, and local and marginalized communities (2).

Framework Principles on Human Rights and the Environment (2018)

The Framework Principles summarize the main human rights obligations related to the enjoyment of a safe, clean, healthy, and sustainable environment. They provide integrated and detailed guidance for the implementation of such obligations in practice and serve as a basis for their further development as our understanding of the relationship between human rights and the environment evolves. They are not exhaustive: many national and international standards are relevant to human rights and environmental protection, and no part of the Framework Principles should be interpreted as limiting or impairing standards that offer a higher level of protection under domestic or international law.

These Principles establish that States should respect, protect, and fulfill human rights in order to ensure a safe, clean, healthy, and sustainable environment; they should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy, and sustainable environment; they should provide a safe and enabling environment in which individuals, groups, and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation, and violence; they should respect and protect the right to freedom of expression, association, and peaceful assembly in relation to environmental matters; they should provide for education and public awareness on environmental matters and public access to environmental information by collecting and disseminating information and providing affordable, effective, and timely access to information to any person upon request (38).

General Recommendation No. 37 of the Committee on the Elimination of Discrimination against Women on Gender-related Dimensions of Disaster Risk Reduction in the Context of Climate Change (2018)

In this recommendation, the Committee on the Elimination of Discrimination against Women makes recommendations to the States Parties to combat gender-based violence in the context of disaster risk reduction and climate change, among other gender-related recommendations. These include the development of policies, programs, and monitoring and evaluation interventions to address gender-based violence and its root causes.

The Committee notes that States Parties should fulfill general obligations to ensure substantive equality between women and men in all areas of life, as well as specific guarantees in relation to the rights spelled out in the Convention on the Elimination of All Forms of Discrimination against Women that may be particularly affected by climate change and disasters, including extreme weather events such as floods and hurricanes, as well as slow-onset phenomena, such as the melting of polar ice caps and glaciers, drought, and sea-level rise.

The objective of this general recommendation is to underscore the urgency of mitigating the adverse effects of climate change and to highlight the steps that need to be taken to achieve gender equality as a factor that will reinforce the resilience of individuals and communities globally in the context of climate change and disasters. This recommendation also seeks to contribute to coherence, accountability, and the mutual reinforcement of international agendas on disaster risk reduction and climate change adaptation by focusing on the impact of climate change and disasters on women's human rights (39).

General Comment No. 36 of the Human Rights Committee on Article 6 of the International Covenant on Civil and Political Rights: Right to Life (2018)

In this general comment, the Human Rights Committee notes that the duty to protect life also implies that States should take appropriate measures to address the gen-

eral conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include high levels of environmental degradation.

In particular, the Committee notes that environmental degradation, climate change, and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. Obligations of States Parties under international environmental law should thus inform the contents of Article 6 of the International Covenant on Civil and Political Rights, which recognizes and protects the right to life of all human beings, and the duty of States Parties to respect and guarantee the right to life should also inform their relevant obligations under international environmental law. Implementation of the obligation to respect and ensure the right to life, and in particular, life with dignity, depends, *inter alia*, on the measures taken by States Parties to preserve the environment and protect it against harm, pollution, and climate change caused by public and private actors. States Parties should therefore ensure sustainable use of natural resources, develop and implement substantive environmental standards, conduct environmental impact assessments and consult with relevant States about activities likely to have a significant impact on the environment, provide notification to other States concerned about natural disasters and emergencies and cooperate with them, provide appropriate access to information on environmental hazards, and pay due regard to the precautionary principle (40).

Resolution 48/13 of the Human Rights Council: “The Human Right to a Clean, Healthy and Sustainable Environment” (2021)

In this resolution, the Human Rights Council recognizes the right to a safe, clean, healthy, and sustainable environment as a human right that is important for the enjoyment of human rights and encourages States to

build capacities for the efforts to protect the environment in order to fulfill their human rights obligations and commitments, and to enhance cooperation with other States, the Office of the United Nations High Commissioner for Human Rights, the rest of the United Nations system and other international and regional organizations, agencies, convention secretariats and programs, and relevant non-State stakeholders, including civil society, national human rights institutions, and business, on the implementation of the right to a safe, clean, healthy, and sustainable environment, in accordance with their respective mandates. The Council also encourages States to adopt policies for the enjoyment of the right to a safe, clean, healthy, and sustainable environment, as appropriate, including with respect to biodiversity and ecosystems (41).

Inter-American Human Rights System

The Inter-American Human Rights System is composed of two bodies: the Inter American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (42).

The IACHR is comprised of seven independent members, and its work rests on three main pillars: a) the petition and case system (whereby complaints related to specific cases are brought before the IACHR); b) monitoring of the human rights situation in OAS Member States – for example through country visits and published reports containing recommendations; and c) work in priority thematic areas, which includes monitoring and technical cooperation from the existing Rapporteurships and Working Groups (43), among them the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights.⁶ This Rapporteur released a report entitled *Business and Human Rights: Inter-American Standards*, which spells out international standards on the obligations assumed by States to

regulate and monitor businesses to prevent human rights violations, as well as the obligation to oversee the effective enjoyment of human rights, the duty to regulate and adopt provisions under domestic law, the duty to investigate and punish, and ensure access to effective mechanisms for redress in the context of business activities (44).

The Inter-American Court of Human Rights, composed of seven judges, is an autonomous institution with a contentious and advisory function, whose main objective is to interpret and apply the American Convention on Human Rights. With respect to its contentious function, the Court may determine whether a State has incurred international responsibility for the violation of a right guaranteed in the Convention or other treaties of the Inter-American System. The Court also serves an advisory role, as it may respond to questions from Member States or other OAS bodies regarding interpretation of the American Convention and other treaties, or the compatibility of domestic law with the Convention (42).

Binding Inter-American Legal Instruments⁷

American Convention on Human Rights (Pact of San José, 1969)

This treaty is the Region's main human rights instrument because of the number of rights it recognizes and its predominant role in the obligations incumbent on States Parties in the field of human rights. It recognizes, inter alia, the right to life, physical integrity, personal freedom and freedom of expression, information, and thought. The Convention further establishes the duty of States Parties to protect the rights and freedoms of all persons without discrimination for reasons of ethnicity, color, sex, language, religion, political or other opinions, national or social origin, economic status, birth, or

⁶ <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/r/desca/default.asp>

⁷ The designations "covenant" and "convention" or other terms do not change the binding nature of these instruments. These are treaties within the meaning of the Vienna Convention on the Law of Treaties (1969), which provides that any treaty is binding on States that have ratified it and must be complied with in good faith; States Parties may not invoke provisions of their domestic law as justification for noncompliance with a treaty.

other social condition. It also recognizes that all persons have the right, without discrimination, to equal protection of the law (45).

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador) (1988)

Under this international instrument, States parties undertake to ensure the exercise of the economic, social and cultural rights set forth therein, without discrimination of any kind for reasons related to ethnicity, color, sex, language, religion, political or other opinions, national or social origin, economic status, birth or any other social condition. The Protocol guarantees that everyone shall have the right to health and that States agree to recognize health as a public good, to prevent further violations, and to promote education on health problems. It further establishes the obligation of States Parties to prevent endemic, occupational, and other diseases and to provide public education on health problems and recognizes the right to a safe and healthy work environment.

In particular, this Protocol recognizes that everyone has the right to live in a healthy environment and to have access to basic public services, and requires that States Parties promote the protection, preservation, and improvement of the environment (46).

Inter-American Convention on Protecting the Human Rights of Older Persons (2015)

This Convention recognizes the specific rights of older persons, such as the right to give free and informed consent on health matters, safety and a life free of violence, not to be subjected to torture and other cruel treatment, and economic, social, cultural, and environmental rights. Concerning the right to health, this treaty is very progressive in its provisions, establishing that older persons have the inalienable right to express their

free and informed consent on health matters and the right to a comprehensive system of care that protects and promotes their health and provides social services coverage, food and nutrition security, water, clothing, and housing, promoting the ability of older persons to choose to stay in their home and maintain their independence and autonomy.

In particular, this treaty recognizes the right to a healthy environment, stating that older persons have the right to live in a healthy environment with access to basic services. To this end, States Parties shall take appropriate measures to safeguard and promote the exercise of this right, including: (a) fostering the development of older persons to their full potential in harmony with nature, and (b) ensuring access for older persons, on an equal basis with others, to basic public drinking water, sanitation, and other services (47).

Regional declarations, principles, recommendations, standards, and technical guidelines

American Declaration on the Rights and Duties of Man (1948)

This Declaration seeks to protect civil, political, economic, social, and cultural rights and fundamental freedoms (48) and forms part of what is known as the regional *corpus juris* in the field of human rights. Although not an international treaty that States must ratify, this Declaration, is understood by virtue of international custom as binding on countries in the Americas.

American Declaration on the Rights of Indigenous Peoples (2016)

This is one of the most important instruments for promoting and protecting the rights of indigenous peoples. It provides that indigenous peoples have the collective and individual right to enjoyment of the highest attainable standard of physical, mental, and spiritual health, as well as their own health systems and practices and

to the use and protection of their vital medicinal plants, animals, minerals, and other natural resources for medicinal use in their ancestral lands and territories. The Declaration establishes that indigenous peoples have the right to live in harmony with nature and to a healthy, safe, and sustainable environment, essential conditions for the full enjoyment of the right to life and to their spirituality, worldview, and collective well-being; to conserve, restore, and protect the environment and to manage their lands, territories, and resources in a sustainable way; to be protected against the introduction, abandonment, dispersion, transit, indiscriminate use, or deposit of any hazardous material that could adversely affect indigenous communities, lands or territories and resources, and to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. It further provides that States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination (49).

Sustainable Health Agenda for the Americas 2018-2030: A Call to Action for Health and Well-being in the Region (2017)

This Agenda represents the health sector's response to the commitments assumed by countries in relation to the 2030 Agenda for Sustainable Development, the unfinished matters of the Millennium Development Goals, and the Health Agenda for the Americas 2008–2017, as well as the commitments assumed by the Pan American Sanitary Bureau as the Regional Office of WHO, other global health commitments in the Region, and future and emerging regional public health challenges.

The purpose of this Agenda is to reduce the burden of disease and health inequities attributable to environmental impacts in the Region, emphasizing air quality, chemical safety, the effects of climate change, water, sanitation and hygiene, and all related behaviors. The goal of this Agenda is to strengthen health worker ca-

capacity in the health sector and other sectors to tackle the environmental determinants of health and adapt to them, prioritizing population groups in situations of vulnerability.

To achieve its purpose and objective, taking national and local contexts and priorities into account, the Agenda is based on three mutually reinforcing strategic lines of action: (a) improving the performance of environmental public health programs and institutions; (b) promoting sustainable and environmentally resilient health systems; and (c) promoting health and environmentally resilient cities and communities.

In addition, the States of the Region commit to accelerating the progress made to date in reducing newborn, child, and maternal mortality by ending all such preventable deaths before 2030, ensuring universal access to sexual and reproductive health care services, including for family planning, information, and education, accelerating the pace of progress in the fight against malaria, HIV/AIDS, tuberculosis, hepatitis, Ebola, and other communicable diseases and epidemics, including by addressing growing antimicrobial resistance and the problem of unattended diseases affecting developing countries, and working on the prevention and treatment of noncommunicable diseases, including behavioral, developmental, and neurological disorders, which pose a major challenge to sustainable development (50).

Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights (2017)

In this Advisory Opinion, the Inter-American Court recognized the existence of an undeniable relationship between protection of the environment and the realization of other human rights, given that environmental degradation affects the real enjoyment of human rights. It also emphasized the integrated and indivisible relationship between human rights, the environment, and sustainable development, since the full enjoyment of

all human rights depends on a supportive environment. Because of this close connection, the Court found that numerous human rights protection systems now recognize the right to a healthy environment as a right in itself, while it is evident that numerous other human rights are vulnerable to environmental degradation, all of which results in a series of environmental obligations for States to comply with their duty to respect and ensure those rights.

Furthermore, this Advisory Opinion identifies the obligations of States in this area, including: preventing significant environmental damage within and outside their territory; regulating, supervising, and monitoring activities under their jurisdiction that could produce significant environmental damage; requiring environmental impact assessments when there is a risk of significant environmental harm; preparing a contingency plan to establish safety measures and procedures to minimize the possibility of major environmental accidents, and mitigate significant environmental damage that may have occurred, even when it has occurred despite the State's preventive actions (57).

Caribbean Action Plan on Health and Climate Change (2019)

This Action Plan of the Pan American Health Organization (PAHO) was prepared in consultation with the countries during the preparatory meetings and with the participation of regional health and environmental leaders from the Caribbean during the Third Global Conference on Health and Climate Change, held in St. George's, Grenada, on 16 and 17 October 2018. During the Conference, the countries clearly recognized that health needs must be incorporated in all efforts of mitigation, adaptation, and preparedness for climate change through collaborative efforts.

This Action Plan is based on the Caribbean's needs and realities and outlines the overall structure and actions that should guide work at the national and regional

levels. It aims to protect the health of the populations of small island developing States from the adverse effects of climate variability by developing climate-resilient health systems; increasing awareness and mainstreaming the funding opportunities to support countries, and focusing on mitigation actions in the health sector through intersectoral actions. The Plan will be implemented during the period 2019-2023 and corresponds to the Caribbean aspect of the WHO special initiative on Climate Change and Health in Small Island Developing States (52).

Health Cooperation Strategy for Central America and the Dominican Republic 2019-2025 (2019)

This instrument reflects PAHO/WHO's medium-term strategic vision. Its general objective is to guide PAHO/WHO's work in Central America and the Dominican Republic, considering their specific priorities and the institutional resources necessary for implementing the health policies, strategies, and plans, as well as the strategic measures to meet their goals, in keeping with the Health Agenda for Central America and the Dominican Republic 2019-2030, the Regional Health Policy of the Central American Integration System (SICA) 2015-2022, and other political and strategic instruments of SICA and the United Nations system. This Strategy devotes a specific chapter to the environment, health, and climate change.

The specific objectives of the Strategy also include: (a) setting strategic priorities and defining the main areas of action to undertake in the region of Central America and the Dominican Republic; (b) harmonizing and supplementing the work with the Council of Ministers of Health of Central America and the Dominican Republic and other sectoral councils of SICA Ministers; and (c) promoting a comprehensive model for cooperation with the institutions of SICA, the United Nations system, and other international development cooperation partners. Its five strategic priorities are: a) improving governance

and the exercise of leadership in the health sector in Central America and the Dominican Republic within the framework of social protection and advancing toward universal health; (b) comprehensive management and development of human resources for health; c) collaborative intersectoral efforts to promote health, human security, and well-being by addressing the social determinants of health so that no one is left behind; (d) a resilient Central America and Dominican Republic to respond to public health emergencies; and (e) improved knowledge management for health surveillance, health intelligence, and technology for Central America and the Dominican Republic (53)

Andean Plan on Health and Climate Change 2020–2025 (2020)

The Andean Plan spells out the actions necessary to increase the Andean countries' resilience to climate variability and climate change, protect the health of their populations, and guide the Region toward a sustainable future. This plan was developed by the Andean Health Agency–Hipólito Unanue Agreement, in collaboration with PAHO. The document provides strategies for comprehensive management of climate change, intensification of cooperation networks, and integration of the Andean countries through four strategic lines: intrasectoral, intersectoral, and interdisciplinary work; risk and vulnerability monitoring; research to influence public policies; and mitigation and adaptation. This document is based on the Sustainable Development Goals and the 2030 Agenda for Sustainable Development, the Paris Agreement of the United Nations Framework Convention on Climate Change, the Sendái Framework for Disaster Risk Reduction, and the Andean countries' own policies and plans for the management of climate change – all coinciding on the need to develop different modes of production and consumption, based on respect for nature as a prerequisite for advancing social well-being (54).

Strategic Plan of the Pan American Health Organization 2020–2025: Equity at the Heart of Health [2020]

This Strategic Plan establishes the joint commitment of the PAHO Member States and the Pan American Sanitary Bureau for the next six years. The PAHO Member States have clearly stated that the Strategic Plan is the main instrument for implementing the Sustainable Health Agenda for the Americas 2018–2030 and thus, for achieving the health-related Sustainable Development Goals (SDGs) in the Region of the Americas. The 11 goals of this Agenda form the impact-level objectives of this Plan, whose cross-cutting theme is the protection of the environment (55).

How these standards should be applied and how international and regional human rights systems can be used strategically

The instruments and mechanisms of the United Nations and the Inter-American Human Rights System lay a firm legal foundation for the adoption of measures to promote and protect the right to a healthy environment in the Region of the Americas. These measures should engage all segments of society: the different branches of government, civil society, academia, the media, the private sector, and society as a whole. All actors and stakeholders should be aware of the human rights and protections afforded by these instruments and use them to develop domestic laws, policies, plans, programs, and practices, and to review and improve existing ones. Furthermore, all sectors of society must respect the environment, promote its protection, and avoid causing environmental damage.

The organs of the United Nations and the Inter-American Human Rights System, in turn, are key tools for supplementing the domestic efforts of the States and can serve both as monitoring and reporting bodies and for cooperation with and technical assistance to States for promotion and protection of the right to a healthy environment.

Ministries of health, environment, education, economic sectors, and other competent entities These entities have a duty to know, apply, and disseminate the international instruments voluntarily ratified by their States that recognize and protect human rights and establish monitoring and oversight obligations over non-State agents, such as businesses or other actors, that can adversely affect the environment and cause environmental damage. These legal instruments create a range of public policy, legislative, budgetary, and practice obligations related to the promotion and protection of a healthy environment. Among their other responsibilities, human rights conventions require the protection of life, health, physical integrity, a healthy work environment, and other economic, social, cultural, and environmental rights related to protection of the right to a healthy environment. They also establish the duty of States to not interfere with the enjoyment of these rights and to protect against violations of the right to a healthy environment by third parties (for example, businesses and other private institutions). In this regard, States have an obligation to bring their programs, plans, policies, and practices into compliance with the human rights standards established in these international instruments and to monitor and control the activities of businesses and other private institutions. The recommendations of the various bodies of the United Nations and Inter-American Systems are extremely useful for this purpose, offering States guidance and guidelines on what measures to adopt and how to do so from a human rights perspective.

As already noted, the State not only has the obligation to not violate rights but also the responsibility to ensure that third parties do not do so either. This is particularly important when drafting regulations on: protection against climate change; business activities as they relate to environmental protection; the disclosure of information on environmental issues; and investigation, punishment, and redress for damage to the environment. Human rights education is also an essential tool

for promoting and safeguarding the right to a healthy environment. Here, States must also ensure that they provide education, communication, training, and campaigns to raise the population's awareness about environmental stewardship, sustainable development, and the prevention of environmental damage.

Legislators must be thoroughly familiar with international human rights law and have a duty to ensure that all domestic laws comply with obligations under international human rights conventions and instruments. If this is not the case, legal instruments should be reviewed and amended to bring them into compliance with international standards. For example, legislators can introduce and pass laws that regulate business activities to prevent potential damage to the environment and require companies to protect it and avoid the generation of adverse environmental impacts. For example, there are legislative instruments that promote environmental stewardship by creating incentives in the form of tax exemptions or lines of financing for entities that promote development based on stewardship of a healthy environment.

Academics should offer courses on the right to a healthy environment and the duty of States to guarantee it. These courses can be used to teach students to think critically about climate change and the importance of sustainable development from a human rights and environmental protection standpoint. Including these issues in the curriculum will help students promote this right and demand compliance by the actors involved.

Justice system officials must apply the international human rights legal framework in each of their decisions, promote respect for human rights and fundamental freedoms without discrimination, and ensure access to justice to investigate, punish, and provide redress for any violation of the right to a healthy environment. In particular, States must ensure compliance with the provisions of the Escazú Agreement on

access to justice in environmental matters. To this end, States should ensure the right of access to justice in environmental matters in keeping with due process guarantees and ensure, within the framework of their domestic legislation, access to judicial and administrative bodies to challenge and appeal, on the merits and procedurally: (a) any decision, action, or omission related to access to environmental information; b) any decision, action, or omission related to public engagement in environmental decision-making processes; and c) any other decision, action, or omission that affects or may adversely affect the environment or contravene legal standards related to the environment. To this end, they must have: (a) competent State bodies with access to environmental expertise; (b) effective, timely, public, transparent, impartial procedures without prohibitive costs; (c) broad *locus standi* in defense of the environment, pursuant to domestic law; (d) the possibility of adopting precautionary and provisional measures to, inter alia, prevent, cease, mitigate, or repair damage to the environment; (e) measures to facilitate the production of evidence on environmental damage, where appropriate and applicable, such as reversal of the burden of proof and the dynamic burden of proof; (f) mechanisms for timely implementation and enforcement of the appropriate judicial and administrative decisions; and (g) reparation mechanisms, as appropriate, such as restoration to conditions prior to the damage; restoration, compensation, or payment of a fine; satisfaction; guarantees of non-repetition; care for the people affected; and financial instruments to support reparations (32).

The justice system plays a key role in disseminating international human rights law to promote and protect the rights of individuals and especially, to ensure effective compliance with the State's duty to supervise and regulate all business activities that impact the environment. To this end, judiciary officials should receive training in human rights, particularly the right to a healthy environment, life, health, and information in

order to integrate not only the standards but the rights approach in all judicial proceedings and each of their decisions and judgments.

National human rights institutions and Offices of Ombudspersons must follow up on citizen complaints to ensure compliance with domestic laws. They should include environmental rights in their work plans not only to take protective action but also to wage campaigns to promote these rights. They should demand that the State fulfill its role in overseeing public and private activities that impact the environment. The role of these organizations is fundamental to effective compliance with the Escazú Agreement by the States of the Region.

Nongovernmental organizations. NGOs have the capacity to spur advocacy to promote measures for the protection and promotion of environmental rights. They can promote activities to raise public awareness about these rights, how to exercise them, and how to build networks to take action. Activists, environmental organizations, and nongovernmental organizations working on human rights issues related to the environment must understand how international human rights legal instruments protect these rights and how to use the protection mechanisms afforded in human rights conventions. Likewise, the activities of organizations not specifically devoted to environmental rights must take into account the interdependence between the right to a healthy environment and other human rights to guarantee their effective protection as well. They can also help to advocate for community-based programs that provide information to empower people and create such programs, in addition to raising awareness about the importance of environmental stewardship. These organizations, moreover, are essential for guaranteeing the rights of groups that have a special connection to the land and the environment, such as indigenous peoples. The protection of their rights, such as the right to prior consultation, must be guaranteed

in activities in their territories that impact the environment. Here, it is essential that States comply with the Escazú Agreement's provisions on protecting the rights of human rights defenders. To this end, States should ensure a safe and enabling environment in which individuals, groups, and organizations that promote and defend human rights with respect to the environment can act without threats, restrictions, and insecurity and protect their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and freedom of movement, as well as their ability to exercise access rights. States should also adopt appropriate, effective, and timely measures to prevent, investigate, and punish assaults and threats against, or intimidation of, environmental human rights defenders.

Finally, nongovernmental organizations play a key role in the continuing demand that States protect rights by requiring measures to oversee and monitor the private sector. In this regard, they can also take advantage of

regional and international mechanisms for the protection of human rights and utilize them in cases of local rights violations within countries. Networks and partnerships among nongovernmental organizations are very effective for joining forces and making better use of available resources.

The media. The media play a key role in the cultural transformation necessary for promoting good environmental stewardship and ensuring sustainable development from a human rights perspective. To this end, they should raise awareness among the general public about environmental damage, climate change, and the adverse effects of certain activities on the environment, as well as all activities that promote protection of the right to a healthy environment. The media must also responsibly cover climate change issues and the responsibility that businesses and the private sector also assume in this area, in keeping with the protections recognized by international instruments.

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Annexes

Annex 1. United Nations Human Rights System

Table A.1.1 shows seven international instruments of the United Nations human rights system that protect the fundamental rights and freedoms indicated. Table A.1.2 lists the countries that are parties to these instruments and to other United Nations system treaties on the environment.

Table A.1.1. Select International Instruments of the United Nations Human Rights System that Protect the Listed Fundamental Rights and Freedoms

Fundamental rights and freedoms	Universal Declaration of Human Rights	International Covenant on Civil and Political Rights	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination against Women	Convention on the Rights of the Child	International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples	Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean
Life	Art. 3	Art. 6, para. 1			Art. 9	Art. 2	Art. 9
Personal integrity	Art. 5	Art. 7			Art. 19	Art. 2	Art. 9
Personal liberty	Art. 3	Art. 9				Art. 2	Art. 9
Due process	Art. 8	Art. 14			Arts. 37 and 40		Art. 8
Privacy	Art. 12	Art. 17			Art. 16		
Freedom of expression	Art. 19	Art. 19, para. 2			Arts. 12 and 13	Art. 2	Art. 9
Equal protection of the law	Art. 7	Art. 26		Arts. 3 y 15, para. 1			Art. 8
Judicial protection	Art. 10	Art. 14		Art. 15, para. 2	Arts. 37 and 40	Art. 12	Art. 8
Work	Art. 23		Arts. 6 and 7	Art. 11		Art. 20	Art. 4
Enjoyment of the highest attainable standard of physical and mental health	Art. 25, para. 1		Art. 12	Art. 12	Art. 24	Art. 25	Art. 6
Education	Art. 26		Art. 13	Art. 10	Art. 28	Arts. 26, 27, 28 and 29	Arts. 10 and 11
Culture	Art. 27		Art. 15	Art. 13, section c)		All	Art. 7
Environmental protection			Arts. 11, para. 1, and 12, para. 2 b)		Arts. 24 and 29	Arts. 4, 7	All

Table A.1.2. Countries in the Region of the Americas that are Parties to Select International Instruments of the United Nations Human Rights System

International instrument	States Parties
Universal Declaration of Human Rights	Not subject to ratification
International Covenant on Civil and Political Rights	Argentina, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America, Uruguay, and Venezuela (Bolivarian Republic of)
International Covenant on Economic, Social and Cultural Rights	Argentina, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela (Bolivarian Republic of)
Convention on the Elimination of All Forms of Discrimination against Women	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela (Bolivarian Republic of)
Convention on the Rights of the Child	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela (Bolivarian Republic of)
International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples	Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Venezuela (Bolivarian Republic of)
Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean	Antigua and Barbuda, Argentina, Bolivia (Plurinational State of), Guyana, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, and Uruguay
Montreal Protocol on Substances that Deplete the Ozone Layer	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)

<p>United Nations Framework Convention on Climate Change</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>Convention on Biological Diversity</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>Kyoto Protocol to the United Nations Framework Convention on Climate Change</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>Stockholm Convention on Persistent Organic Pollutants</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>
<p>Minamata Convention on Mercury</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Suriname, and Uruguay</p>
<p>Paris Agreement</p>	<p>Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad y Tobago, Uruguay, and Venezuela (Bolivarian Republic of)</p>

Annex 2. Inter-American System of Human Rights

Table A.2.1 shows four international instruments of the Inter-American Human Rights System that protect the fundamental rights and freedoms indicated. Table A.2.2 lists the countries that are parties to these instruments.

Table A.2.1. Select International Instruments of the Inter-American Human Rights System that Protect the Listed Fundamental Rights and Freedoms

Fundamental rights and freedoms	American Declaration of the Rights and Duties of Man	American Convention on Human Rights	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights	Inter-American Convention on Protecting the Human Rights of Older Persons
Life	Art. I	Art. 4		Art. 6
Personal integrity	Art. XXV	Art. 5		Arts. 9 and 10
Personal liberty	Art. I	Art. 7		Art. 13
Due process	Art. XVIII	Art. 8		
Privacy	Art. V	Art. 11		Art. 16
Freedom of expression	Art. IV	Art. 13		Art. 14
Equal protection of the law	Art. II	Art. 24		Art. 30
Judicial protection	Art. XXVI	Art. 25		Art. 31
Work	Art. XIV		Arts. 6 and 7	Art. 18
Enjoyment of the highest attainable standard of physical and mental health	Art. XI		Art. 10	Art. 19
Education	Art. XII		Art. 13	Art. 20
Culture	Art. XIII		Art. 14	Art. 21
Environmental protection		Art. 26	Art. 11	Art. 25

Table A.2.2. Countries in the Region of the Americas that Are Parties to Select International Instruments of the Inter-American Human Rights Rights

International instrument	States Parties
American Declaration of the Rights and Duties of Man	Not subject to ratification
American Convention on Human Rights	Argentina, Barbados, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, and Venezuela (Bolivarian Republic of)
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador)	Argentina, Bolivia (Plurinational State of), Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)
Inter-American Convention on Protecting the Human Rights of Older Persons	Argentina, Bolivia (Plurinational State of), Chile, Costa Rica, Ecuador, El Salvador, Peru, and Uruguay

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