

**Club Name:** CFUW Headwaters (formerly Orangeville and District)

**Resolution Title:** A Clean, Healthy & Sustainable Environment is a Human Right

**RESOLVED**, That the Canadian Federation of University Women (CFUW) urge federal, provincial, territorial and municipal governments to commit to the tenets of the United Nations Human Rights Council (UNHRC) Resolution 48/13 that “**A Clean, Healthy, and Sustainable Environment is a Human Right**” in legislation, regulatory frameworks, and programs including, but not limited to:

- Pollution Prevention;
- Climate Change Mitigation; and
- Nature Conservation.

**RESOLVED**, That the Canadian Federation of University Women (CFUW) urges federal, provincial, territorial and municipal governments, and school boards, to develop programming to inform all Canadians of the new human right to “**A Clean, Healthy, and Sustainable Environment** as described in UN Resolution 48/13.

**RESOLVED**, That the Canadian Federation of University Women (CFUW) urges the Government of Canada to advocate and vote for a similar resolution at the United Nations General Assembly.

#### **BACKGROUND**

In 2022, we mark 50 years since the right to a healthy environment was first alluded to in the 1972 Stockholm Declaration: “*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.*” ([Stockholm..., 1972](#))

Since then, global awareness of environmental issues and environmental law-making has increased dramatically, as reported in 2019 by Canadian David Boyd, the UN Special Rapporteur on Human Rights and the Environment: “*The right to a healthy environment is included in regional human rights treaties binding more than 120 States. It enjoys constitutional protection in more than 100 States and is incorporated into the environmental legislation of more than 100 States. In total, **155 States have already established legal recognition of the right to a healthy and sustainable environment.***” ([Boyd, 2019](#))

In Canada, the right to a healthy environment is not explicitly entrenched in our federal Constitution Act, 1982, although upon reading **Part 1 Charter of Rights and Freedoms** one could argue that the Charter implicitly recognizes this right in Article 7: “*Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.*” ([Gov. of Canada, 1982](#))

Even so, according to EcoJustice: “*Canada’s current patchwork of environmental*

*laws and weak regulatory standards mean that thousands of people, disproportionately those in First Nations communities, do not have access to clean running water. Thousands of others are exposed to harmful levels of air pollution every day. Dozens of toxic chemicals already banned in other countries can still be legally used within our borders. These injustices make a clear case that Canada needs to take bold action and recognize environmental rights in the Charter of Rights and Freedoms.”* ([EcoJustice, 2021](#))

While Canada continues its engagement in so many International Environmental Agreements and Instruments that it requires a Compendium ([Gov. of Canada, 2020a](#)) to keep track of it all, the right to a healthy environment has not yet been explicitly entrenched in our Constitution or Charter, nor other federal legislation.

### **A NEW HUMAN RIGHT**

On Oct 8, 2021, the United Nations Human Rights Council passed the landmark Resolution 48/13 with unanimous support: “*The Council recognizes **the right to a safe, clean, healthy and sustainable environment** and encourages states to adopt policies for the enjoyment of the right to a safe, clean, healthy and sustainable environment, including with respect to biodiversity and ecosystems, as appropriate, and invites the General Assembly to consider this issue.*” ([Resolution..., 2021](#))

According to Michelle Bachelet, UN High Commissioner for Human Rights, recognizing this right “***is about protecting people and planet – the air we breathe, the water we drink, the food we eat. It is also about protecting the natural systems which are basic preconditions to the lives and livelihoods of all people, wherever they live...*** Having long called for such a step, I am gratified that the Council’s action today **clearly recognises environmental degradation and climate change as interconnected human rights crises...** At the beginning of the current session of the Human Rights Council, (she described) the triple planetary threats **of climate change, pollution and nature loss** as the single greatest human rights challenge of our era. The resolution on a healthy environment acknowledges the damage inflicted by climate change and environmental destruction on millions of people across the world. It also underlines that the most vulnerable segments of the population are more acutely impacted.” ([Bachelet..., 2021](#))

### **POLLUTION PREVENTION**

The first attempt to federally legislate “**a healthy environment is a human right**” in Canada was on **April 23, 2021**, when **Bill C-28 Strengthening Environmental Protection for a Healthier Canada Act** ([Gov. of Canada, 2021](#)) was tabled in the House of Commons by Jonathan Wilkinson, then Minister of Environment and Climate Change. This was a largely technical bill to update language in the **Canadian Environmental Protection Act (CEPA), 1999 - An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.** It died on the Order Paper, without debate, when the 43<sup>rd</sup> Parliament was dissolved four months later.

More recently, on **February 9, 2022**, during the 44<sup>th</sup> Parliament, Senator Marc Gold (Quebec) tabled a very similar piece of legislation in **Bill S-5, Strengthening Environmental Protection for a Healthier Canada Act**. ([Gov. of Canada a., 2022](#); [Gov of Canada b., 2022](#)) The proposed amendments seek to legislate “**a healthy environment is a human right**” and “*enable the Government to respond effectively to new science, which is pointing to harms that were unanticipated in the past and to enable the use of new tools and sources of information that are now available to assess those risks.*” ([Gov. of Canada c., 2022](#))

Recognizing the right to a healthy, clean, and sustainable environment will help push renewal of CEPA modernization to address current-day realities as an urgent priority to protect the health of women and girls: “*Women, children, and racialized people’s health are particularly vulnerable to adverse environmental effects for biological and socioeconomic reasons. We can use breast cancer as an example of how these differential impacts play out. ... A feminist, environmental health lens illustrates today’s exposures disproportionately impact women and other populations made vulnerable by social environments.*” ([McArthur & Beeman, 2021](#))

### **CLIMATE CHANGE MITIGATION**

Recognizing this new human right will also bolster public and private action towards mitigating climate change, which impacts women more than men because it deepens existing inequalities. ([Sellers, 2016](#)) This intersectional issue has significant impact, even in Canada: “*The effects of climate change disproportionately impact women and girls, especially those who are Indigenous, racialized and living in poverty. We should be shouting it from the rooftops: the climate crisis will kill women first.*” ([Ethans, 2019](#))

Indeed, it is notable that: “*domestic and international law requires Canada to act swiftly to protect women and girls from being further harmed by the climate crisis.*” ([Wormington, 2020](#))

### **NATURE CONSERVATION**

Closely tied to climate change is biodiversity loss and loss of ecological services provided by nature, such as water supply, food supply, protection from flooding, etc., such that **addressing sustainable ecosystem health, as measured by biodiversity and ecological services indicators, is of paramount importance.**

While “Canada was the first industrialized country to ratify the UN Convention on Biodiversity (CBD) in 1992, we may have fallen short ([Ray et.al., 2021](#)) of our 2020 targets ([Canada..., 2021](#), [Gov. of Canada, 2020b](#)). Further, comprehensive global assessments ([IPBES, 2019](#)), and even the theme topic for the 66<sup>th</sup> meeting of the UN Commission on the Status of Women in March 2022: “*Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes*” ([CSW66, 2022](#)), all speak to the urgent need to mitigate the disproportionate impacts of environmental issues on women and girls.

Work is currently underway to develop the post-2020 global biodiversity framework and targets ([Preparations..., 2022](#)), although the reciprocity between human rights and the biodiversity crisis is not yet sufficiently addressed, as emphasized by David Boyd and Stephanie Keen in their August 2021 Policy Brief: *“The draft released in July aims to establish a “world living in harmony with nature” by 2050, in part by protecting at least 30 percent of the planet and placing at least 20 percent under restoration by 2030. However, in light of past failures, the achievement of the Framework’s conservation goals demands a dramatic departure from “conservation as usual.” Accelerated efforts to expand protected areas have proven insufficient to stop or even slow the tidal wave of environmental destruction sweeping the planet, with humans now causing the sixth mass extinction in the history of life on Earth. Ending the current biodiversity crisis will require a transformative approach to what “conservation” entails, who qualifies as a “conservationist”, and how conservation efforts are designed and implemented. Problematically, the current draft Framework is ill-positioned to catalyse such a transformation because human rights-based approaches and the specific rights and contributions of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth (collectively referred to as “Indigenous Peoples and other rural rights holders” within this brief), which have the greatest potential for effectively and equitably protecting biodiversity, are not adequately prioritized.”* ([Boyd & Keene, 2021](#))

Recognizing this new human right will help resolve the deficiencies noted above. This was reinforced by Michelle Bachelet in her comments to UNHCR on September 13, 2021: *“It is urgent in this context that the States currently negotiating the post-2020 Global Biodiversity Framework integrate commitments to human rights-based approaches to biodiversity action.”* ([Environmental..., 2021](#))

## **SUMMARY**

While the Right to a clean, healthy and sustainable Environment (R2E) is already recognized in a majority of nations, the recognition as a new human right opens the door to effective integration in international law (via the UN General Assembly) and more robust and thorough domestic implementation in Canada and elsewhere: *“Although not legally binding, its near-unanimous adoption shows consensus on the formulation, content, and importance of this human right. ... the symbol it represents could propel reluctant governments to recognize the right to a healthy environment in their domestic legislation. ... The text of the resolution makes it clear that it is not a final step, but a springboard for more ambitious measures.”* ([Aguila, 2021](#))

## **Implementation:**

Through its Canadian and global networks, CFUW is well-positioned to act as a partner to advocate for implementation of this newly recognized right through public policy, legislation, and awareness raising campaigns across Canada and abroad.

CFUW members could work with other organizations with a similar view on UNHRC Resolution 48/13 to advocate to the Government of Canada and increase awareness

with Canadians.

- Clubs and Provincial/Regional Councils can advocate for this new human right to inform their local representatives at all levels of government.
- CFUW members could write to their federal MP sharing their support for entrenching this new human right in the Charter of Rights and Freedoms, as well as Bill S-5, and all other environmental legislation - and to ensure regulatory oversight is well funded - with CFUW templated letters.
- CFUW members could write to their provincial/territorial MPP to express support for entrenching this new human right in all provincial legislation, Environmental Bills of Right, and programs – particularly in regions that don't already have strong efforts – and to ensure this is well funded - with CFUW templated letters.
- Clubs could communicate with local, provincial and national women's groups and environmental groups to discuss ways to collaborate to get the word out that there is a new human right.
- Clubs and Provincial/Regional Councils could feature speakers in a webinar or public lecture on this new human right and the need to have its recognition entrenched in legislation, regulatory frameworks, and programs to mitigate environmental impacts, particularly on women and girls
- Clubs could publicize the new human right through social media with a social media toolkit.

In addition, the 1964-2021 CFUW Policy Book ([CFUW...,2021](#)), there are 49 policies related to Pollution Prevention, Climate Change Mitigation, and Nature Conservation, that have the potential to be aligned with this newly recognized human right. ([UNSR, 2021 \(video\)](#)). This fosters an opportunity for CFUW to consolidate all under a new 'umbrella' policy that may serve to align and strengthen those policies, and create a rights-based focal point for advocacy action to address environmental issues at all levels of government in communities across Canada and globally.

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