

HUMAN RIGHTS AND ENVIRONMENT

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Human rights :

Human rights refer to the most fundamental rights and freedoms to which all humans are entitled. Human rights are inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

“Human rights means the right relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in international covenants and enforced by courts in India.”

Human rights are universal and absolute. The principle of universality, as first set out in the Universal Declaration on Human Rights in 1948, is the cornerstone of international human rights law. This principle has been reiterated in numerous international human rights documents. That human rights are absolute means they should never be taken away, except in specific situations and according to due process.

Human Rights and The Environment :

People more and more started to see that a clean and healthy environment is essential to the realisation of fundamental human rights. Such as the right to life, personal integrity, family life, health and development. Because each human being depends on protecting the environment as the resource base for all life. And where it started with mere linking acknowledged human rights to cases of environmental disruption, like the Bhopal and Chernobyl disasters, it has become more acknowledged over the years that human rights and the environment are so inherently interlinked that (a clean and healthy) Environment is a Human Right.

There are three main dimensions of the interrelationship between human rights and environmental protection :

- The environment as a pre-requisite for the enjoyment of human rights (implying that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights);
- Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and
- The right to a safe, healthy and ecologically-balanced environment as a human right in itself (this is a debated approach).

The following human rights are often affected by environmental harms.

Right to Life_:

The right to life has extensive environmental links. It could be linked to any environmental disruption that directly contributed to the loss of lives - including to the mentioned air pollution causing 2.4 million deaths per year.

Right to Health :

This right, closely linked to the right to life, is often violated in cases of pollution of air, land or water.

Right to Water :

Although not specifically codified in an international treaty, (access to) water is more frequently invoked and accepted as a human right. It's obviously linked to life and health.

Right to Food :

Due to the environmental disruption, the right to physical and economic access to adequate food, is progressively under pressure.

Right to Development :

Sustainable development recognises that environmentally destructive economic progress does not produce long-term societal progress.

Right to Property :

With sea levels rising, more and more people living on islands and in coastal areas, have and will be deprived of (parts of) their property.

Right to Shelter and Housing :

When environmental degradation displaces individuals and communities or compels them to live in unhealthy, hazardous conditions.

Right to Information and Right to Participate :

These rights have elements of obtaining government-held information and government's duty to apprise the people.

Right to Work :

Along with environmental disruption often comes deprivation of the right to work. An example would be industrial overfishing putting small local fishermen out of work.

Right to Culture, Family life and Rights of Indigenous People :

The UN Declaration on the Rights of Indigenous Peoples, for the first time recognises the conservation and protection of the environment and resources as a human right.

Rights and Equity, non-discrimination :

Where they have least contributed to the problems, impacts of climate change and other environmental harms are expected to be bigger on the poorer parts than in the more wealthier parts of the world.

Women and Children's Rights :

Women and children are even more impacted by environmental disruption than men and because their immune systems have not fully been developed, children are vulnerable to toxics, bacterial and viral contamination.

These examples only provide a sampling of many connections between human rights and environmental protection. Other substantive areas that combine human rights and environmental considerations include humanitarian law, environmental refugees issues and the effects of development projects funded by development banks. Man is both creature and moulder of his environment, which gives him

physical substance and affords him the opportunity for intellectual, moral, social & spiritual growth.... Both aspects of the man's Environment, the natural & the man-made, are essential to his well-being & to the enjoyment of basic human rights even the right to life itself.

Because, obviously and as a basis for all other rights and life itself, all people have a right to an environment that is not harmful to their health or well-being and to have nature protected, for the benefit of present and future generations.

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