

# The right to a healthy environment – Ideas on a human rights based approach to combat climate change

United Nations/Austria Symposium

Space for climate action: experiences and best practices in  
mitigating and adapting to climate change and supporting  
sustainability on Earth, 13 – 15 September 2022

**Irmgard Marboe**

Department of European, International and Comparative Law, University of Vienna

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# State centred approach vs Human rights based approach

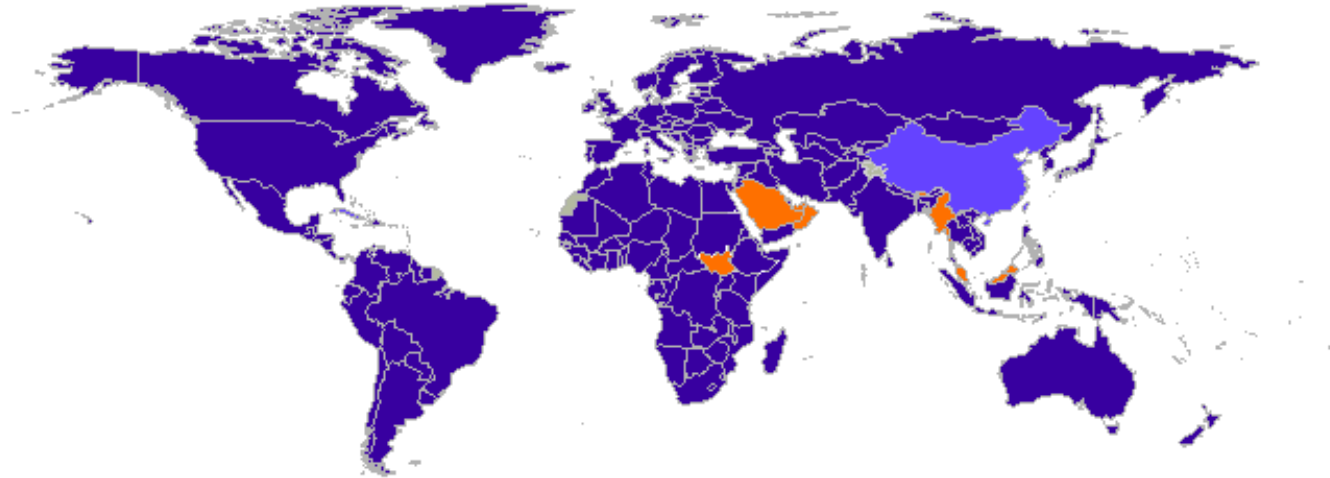
## State centred approach

- Paris Agreement (2016)
- Aim: keep **temperature below 2°C** above pre-industrial level
- Efforts to limit temperature increase to **1.5°C** above pre-industrial level
- On the basis of nationally determined contributions (**NDCs**)
- Monitoring

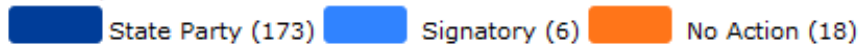
## Human rights based approach

- UN conventions on human rights, e.g. ICCPR, ICESCR, ...
- Regional human rights conventions, e.g. European Convention on Human Rights
- Rights of **individuals**
- Obligations by States **to respect, fulfil and protect them**
- Monitoring

# International Covenant on Civil and Political Rights (ICCPR)



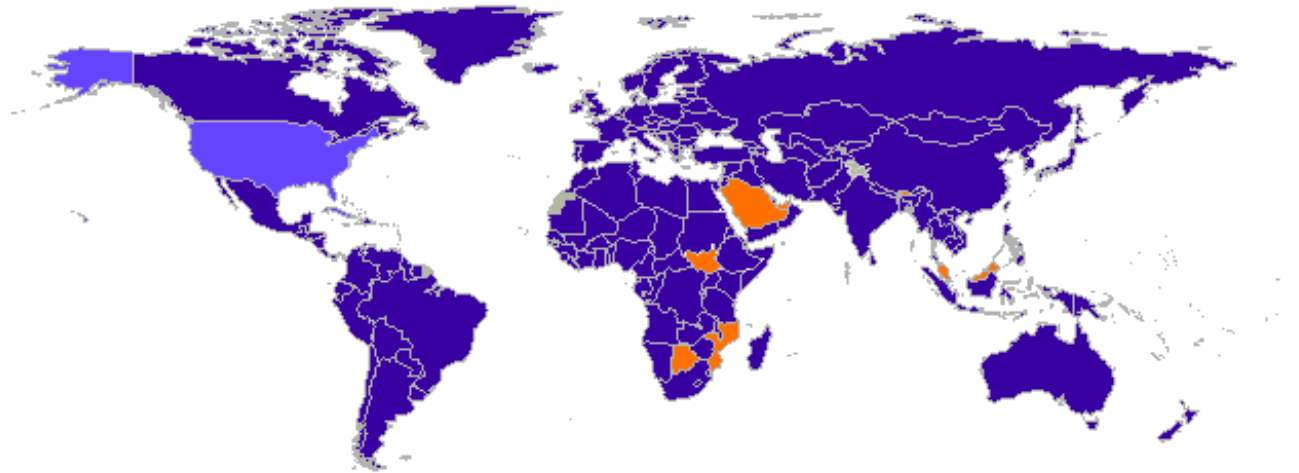
## Country Status






Individual communications procedure





# International Covenant on Economic, Social and Cultural Rights (ICESCR)



## Country Status

 State Party (171)  Signatory (4)  No Action (22)

 Individual communications procedure

 Inquiry procedure

## Right to life – Article 6 ICCPR

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

### See also Article 2 European Convention on Human Rights:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

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# Right to an Adequate Standard of Living – Article 11 ICESCR

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
  2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
    - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
    - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need
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# Right to the Highest Attainable Standard of Health – Article 12 ICESCR

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
  2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
    - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
    - (b) The improvement of all aspects of environmental and industrial hygiene;
    - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
    - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.
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# Court Cases

- **The Netherlands:** Urgenda Climate Case (2018) (886 Dutch citizens)
- **Belgium:** Klimaatzaak (2021) (11 Belgian citizens)
- **Germany:** Neubauer (2021) (several groups of climate activists)
- **Switzerland:** Klimaseniorinnen (2020) (Senior Women for Climate Protection)
- **Nepal:** Padam Bahadur Shrestha (2018) (Environmental Protection Act)



# Thank you very much for your attention!

Prof. Dr. Irmgard Marboe  
Department of European, International and Comparative Law  
Section for International Relations  
Faculty of Law  
University of Vienna  
Schottenbastei 10-16, 1010 Vienna  
[irmgard.marboe@univie.ac.at](mailto:irmgard.marboe@univie.ac.at)  
<https://eur-int-comp-law.univie.ac.at/team/marboe-irmgard/>