



PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9159 • FAX: +41 22 917 9006 • E-MAIL: srenvironment@ohchr.org

Dr. David R Boyd (Canada)
UN Special Rapporteur on Human Rights and the Environment

Speaking notes for Senate Judicial Proceedings Committee,
Maryland General Assembly

March 9 2022

I would like to emphasize that the right to a healthy environment is by no means a “new” human right. To the contrary, it is a right that is incorporated in almost all of the world’s regional human rights systems. It is a right that is found in the majority of the world’s constitutions, beginning with Portugal in 1976 and Spain in 1978.¹ It is a right that is expressly included in environmental legislation in the majority of countries. In total, more than 155 States, 80 percent of UN Member States, already recognize this right in their domestic legal systems.² It was recognized at the global level last year by the United Nations Human Rights Council. In the United States, the right to a healthy environment is found in seven state constitutions, including Hawaii, Illinois, Massachusetts, Montana, New York, Pennsylvania, and Rhode Island.

Based on decades of experience, the right includes clean air, safe and sufficient water, healthy and sustainably produced food, a safe climate, healthy ecosystems and biodiversity, and non-toxic environments where people can live, work, study and play.³ The recognition of the right serves as a catalyst for a number of benefits, including: stronger environmental laws and policies; improved implementation and enforcement of those laws and policies; increased levels of

public participation in environmental decision-making; and reduced environmental injustices.⁴

Most importantly, recognition of the right to a healthy environment contributes to improved environmental outcomes, including cleaner air, enhanced access to safe drinking water, and reduced greenhouse gas emissions.⁵ Of particular importance are the positive effects for vulnerable populations, including women, children, people of color and persons living in poverty.⁶

In light of the world's urgent environmental challenges, recognition of this right should be a top priority. I strongly support House Bill 596 to amend the Maryland Constitution.

¹ D.R. Boyd. 2012. *The Environmental Rights Revolution: Constitutions, Human Rights and the Environment*. University of British Columbia Press. J.R. May and E. Daly. 2015. *Global Environmental Constitutionalism*. Cambridge University Press. J.H. Knox and R. Pejan, eds. 2018. *The Human Right to a Healthy Environment*. Cambridge University Press.

² See Special Rapporteur on human rights and environment A/HRC/43/53.

³ See various reports of the Special Rapporteur on human rights and environment: A/HRC/40/55 (Clean Air), A/74/161 (Safe Climate), A/75/161 (Healthy Ecosystems and Biodiversity), A/HRC/46/28 (Safe and Sufficient Water), A/76/179 (Healthy and Sustainable Food), A/HRC/49/53 (Non-toxic Environments).

⁴ D.R. Boyd. 2012. *The Environmental Rights Revolution: Constitutions, Human Rights and the Environment*. University of British Columbia Press. J.R. May and E. Daly. 2015. *Global Environmental Constitutionalism*. Cambridge University Press. J.H. Knox and R. Pejan, eds. 2018. *The Human Right to a Healthy Environment*. Cambridge University Press.

⁵ C. Jeffords and L. Minkler. 2016. "Do constitutions matter? The effects of constitutional environmental provisions on environmental outcomes", *Kyklos*, vol. 69, No. 2, pp. 294–335. C. Jeffords. 2016. "On the temporal effects of static constitutional environmental rights provisions on access to improved sanitation facilities and water sources", *Journal of Human Rights and the Environment*, vol. 7, No. 1, pp. 74–110.

⁶ See Special Rapporteur on human rights and environment A/HRC/37/59 (Framework Principles) and A/HRC/43/53 (Good Practices).