

<Annual Human  
Rights Campaign>

**elsa**

The European Law Students' Association

2025/2026

# ANNUAL HUMAN RIGHTS CAMPAIGN SUPPORTING MATERIALS



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# Human Rights and Climate Justice

## Sept 2025 – Dec 2025

SEP

### THE RIGHT TO INFORMATION AS A TOOL FOR CLIMATE JUSTICE

- International Day for Universal Access to Information, 28th of September
- Current Trends and Challenges:
  - Data Access
  - Threats to environmental journalists and climate activists

*"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." – UDHR, Article 19*

### CLIMATE CHANGE AND FOOD SECURITY

- World Food Day, 16th of October
- Current Trends and Challenges:
  - Rising Frequency and Intensity of Extreme Weather Events
  - Reduction in Nutritional Quality and Food Safety

*"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food..." – UDHR, Article 25*

OCT

### PROTECTING ENVIRONMENTAL RIGHTS DURING ARMED CONFLICTS

- The International Day for Preventing the Exploitation of the Environment in War, 6th of November
- Current Trends and Challenges:
  - Weak national legislation and enforcement
  - Limited awareness and training

*"It is prohibited to employ methods of warfare that cause widespread, long-term and severe damage to the natural environment." – Geneva Conventions, Additional Protocol I, Article 35(3)*

NOV

### PROTECTING THE ENVIRONMENT USING HUMAN RIGHTS LAW

- Human Rights Day, 10th of December
- Current Trends and Challenges:
  - Weak enforcement and fragmentation
  - Threats to defenders

*"States should respect, promote and consider their obligations on human rights, the right to health, and intergenerational equity when addressing climate change..." – Paris Agreement, Preamble, 2015*

DEC

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**FOREWORD**

Dear Network,

As we advance our commitment to human rights through the Annual Human Rights Campaign, this year we turn our attention to the critical intersection of human rights and climate justice. The Supporting Materials on Human Rights and Climate Justice have been thoughtfully designed to inform and inspire all Officers in understanding how environmental challenges affect fundamental rights across Europe and beyond. Together, we strive to create meaningful change, ensuring that the protection of our planet goes hand in hand with the safeguarding of human dignity and justice for all.

These materials are designed to be both accessible and practical, providing a robust foundation for your Campaign event planning and execution. However, they are not meant to limit your creativity or passion. We encourage you to delve into these resources for inspiration, yet do not hesitate to explore beyond them, tailoring your efforts to the unique needs of your Groups, projects and communities. Our collective strength lies in our diversity, and your innovative approaches will only enhance our shared vision. Let these materials serve as a starting point and a springboard for action as we continue to champion human rights for all.

We wish you a pleasant reading!

**Anastasios Vavvas**

Vice President in charge of Academic Activities  
International Board of ELSA 2025/2026

**Dhimitër Zguro**

Director for Human Rights  
ELSA International 2024/2025

**Juliana Abreu**

Assistant for Human Rights  
ELSA International 2024/2025

**Nika Bakula**

Assistant for Human Rights  
ELSA International 2024/2025

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# I. The right to information as a tool for climate justice.

International Day for Universal Access to Information, 28th of September

## 1. A short Introduction

The International Day for Universal Access to Information was established on October 15, 2019, by the United Nations General Assembly through Resolution 74/5, designating September 28 as the annual observance day.<sup>1</sup> This date recognises access to information as a fundamental human right, integral to freedom of expression as outlined in Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Building on UNESCO's 2015 Resolution 57<sup>2</sup> and the 2011 African Platform on Access to Information declaration,<sup>3</sup> the day promotes inclusive knowledge societies, democracy, and sustainable development in line with the 2030 Agenda. It encourages global participation from Member States, UN organisations, and civil society to advocate for transparent access to information, with activities funded by voluntary contributions.

This year's theme, "Ensuring Access to Environmental Information in the Digital Age,"<sup>4</sup> aligns closely with the Annual Human Rights Campaign theme, emphasising the role of accessible environmental data as a tool for climate justice. Transparent access to information on climate change, pollution, and resource management empowers communities, especially marginalised groups, to hold governments and corporations accountable for environmental policies. In the digital age, leveraging technology to provide accurate environmental data fosters informed decision-making, supports advocacy for equitable climate solutions, and strengthens global efforts to address environmental crises, ensuring inclusivity and fairness in the pursuit of a sustainable future.

## 2. Legal Framework

### 2.1 International Frameworks

#### 2.1.1 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights contains a provision which sets out important formal elements relating to aspects of freedom of information. Specifically, Article 19 provides that: *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of*

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<sup>1</sup> <https://docs.un.org/en/A/RES/74/5>.

<sup>2</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000243325>.

<sup>3</sup> <https://www.africanplatform.org/wp-content/uploads/2024/06/APAI-Declaration-English.pdf>.

<sup>4</sup> <https://www.unesco.org/en/articles/international-day-universal-access-information-2025>.

*frontiers.”*<sup>5</sup> This article highlights the essential need to safeguard both the freedom to communicate information and the right to access it. Given its declaratory nature, the Declaration affirms the right to information, alongside the other rights it recognises, as a guiding ideal to which all peoples and nations should aspire.

### **2.1.2 International Covenant on Civil and Political Rights (ICCPR)**

Article 19 of the International Covenant on Civil and Political Rights protects the freedom of expression of every individual. It defines this freedom as encompassing the right to seek, receive, and impart information and ideas of all kinds, irrespective of frontiers, and through any medium of choice, whether oral, written, printed, artistic, or by any other means.<sup>6</sup> At the same time, the provision acknowledges that the exercise of this right entails special duties and responsibilities. Consequently, it may be subject to certain restrictions, provided that such limitations are clearly established by law and are necessary to safeguard the rights or reputations of others, as well as to protect national security, public order, public health, or morals.<sup>7</sup>

### **2.1.3 The European Convention on Human Rights**

Article 10 of the European Convention on Human Rights guarantees the right to freedom of expression, encompassing both the holding of opinions and the imparting and receiving of information and ideas without interference by public authorities and regardless of frontiers.<sup>8</sup> This right is not absolute; paragraph 2 allows restrictions that are prescribed by law and necessary in a democratic society for legitimate aims, including the protection of national security, public order, health, morals, or the rights of others, while permitting regulatory regimes for broadcasting, cinema, and television. The European Court of Human Rights has clarified that Article 10 safeguards the flow of information essential to public debate and democratic accountability, recognising the role of the media as a “public watchdog” and, in certain circumstances, imposing positive obligations on States to ensure access to information of public interest, all within the framework of a democratic society.<sup>9</sup>

### **2.1.4 The CoE Convention on Access to Official Documents**

The Convention on Access to Official Documents, often referred to as the “First International Legal Instrument on Access to Public Documents”, establishes binding international standards for the public’s right to access documents held by public authorities.<sup>10</sup> Similar to the European Convention on Human Rights, it provides minimum guarantees for transparency and accountability in public administration. The Convention recognises that access to official documents is a fundamental aspect of democratic governance, serving as both a legal and practical mechanism to empower citizens.

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<sup>5</sup> <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

<sup>6</sup> <https://www.ohchr.org/sites/default/files/ccpr.pdf>.

<sup>7</sup> Ibid.

<sup>8</sup> [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG).

<sup>9</sup> <https://rm.coe.int/guide-on-article-10-freedom-of-expression-eng/native/1680ad61d6>.

<sup>10</sup> <https://rm.coe.int/1680084826>.



Its provisions highlight three primary purposes of granting such access: first, to serve as a source of reliable information for the public; second, to enable citizens to form informed opinions regarding the state of society and the conduct of public authorities; and third, to enhance the integrity, efficiency, effectiveness, and accountability of public authorities, thereby reinforcing their legitimacy and trustworthiness.<sup>11</sup> By setting these standards, the Convention provides a framework for promoting transparency,<sup>12</sup> participatory governance, and the protection of citizens' rights in accessing information held by the state.

### 2.1.5 Aarhus Convention

The Aarhus Convention, adopted on 25 June 1998 in Aarhus, Denmark, establishes binding international standards for public access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters.<sup>13</sup> Article 1 guarantees the public the right to receive environmental information, participate in relevant decision-making processes, and seek judicial review where these rights are violated. The Convention defines public authorities broadly, including national, regional, or local governmental bodies, as well as any individuals or legal entities performing public administrative functions related to the environment.

It also provides a comprehensive definition of “environmental information,” covering the state of environmental elements, relevant factors and agreements, policies, legislation, and human health and safety conditions.<sup>14</sup> The Convention distinguishes between the general public and the “interested public,” which includes those directly or indirectly affected by environmental decisions, explicitly recognising NGOs and associations as part of this group.

States Parties are required to implement legislative and practical measures to achieve the Convention's objectives, ensuring information is accessible without requiring justification, generally within 30 days, while narrowly defining permissible grounds for refusal, which must be justified in writing. Authorities must maintain and update environmental information, establish systems for effective dissemination, and facilitate public participation in decision-making processes, particularly in the early stages of environmental projects, policies, or programs.

Finally, the Convention ensures access to judicial or independent review for individuals whose requests for information have been inadequately addressed, obliging States Parties to remove procedural or financial barriers and ensure transparency in environmental governance.

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<sup>11</sup> <https://rm.coe.int/1680084826>.

<sup>12</sup> <https://rm.coe.int/16800d3836>.

<sup>13</sup> <https://unece.org/DAM/env/pp/documents/cep43e.pdf>.

<sup>14</sup> Ibid.

## 2.2 National Legislation

National legislation in Albania has incorporated the principles of the international legal framework on access to information, particularly reflecting the standards set by the Aarhus Convention and the Council of Europe instruments. The primary legal instrument regulating the right to information is Law no. 119/2014 “On the Right to Information,” as amended, which guarantees every individual and legal entity the right to request and receive information from public authorities. This law establishes clear obligations for public bodies to respond within defined deadlines, and to provide reasons in writing for any refusal. This law, which guarantees the constitutional right to information, is further complemented by the provisions of Law no. 10431, dated 09.06.2011, “On Environmental Protection,” as amended, which further addresses environmental information in accordance with the requirements of the Aarhus Convention.

## 3. Current Trends and Challenges

The right to information empowers communities to access critical environmental data, enabling them to hold governments and corporations accountable, participate in climate decision-making, and advocate for equitable solutions. It is a cornerstone of climate justice, ensuring groups disproportionately affected by climate change can demand transparency and action. However, challenges like restricted data access, digital inequities, and threats to activists hinder its effectiveness.

### 3.1 Data access

Accessible government and corporate environmental data is fundamental to advancing climate justice, enabling communities to identify environmental injustices, hold decision-makers accountable, and advocate for equitable climate solutions.<sup>15</sup> However, the effectiveness of this right faces significant challenges. Data suppression remains a pressing issue: in 2025, approximately 3,000 datasets, including tools such as the Environmental Justice Index, were removed from U.S. federal platforms, undermining efforts to assess and address environmental disparities, particularly in marginalised communities.<sup>16</sup> Without access to comprehensive datasets, such as pollution levels, climate vulnerability indices, or records of industrial emissions, affected populations cannot fully understand the extent or severity of environmental risks in their communities. This lack of transparency hinders evidence-based advocacy, undermines public scrutiny of government and corporate actions, and permits harmful practices to persist unchecked. Marginalised communities are especially vulnerable, as restricted data access can exclude them from decision-making, legal claims, or compensation mechanisms. Moreover, suppression of environmental datasets can distort scientific research, policy assessments, and climate planning, resulting in solutions that fail to address the needs of those most at risk.

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<sup>15</sup> <https://www.americanbar.org/groups/crsj/resources/human-rights/2024-october/access-to-data/>.

<sup>16</sup>

<https://www.reuters.com/sustainability/cop/us-farm-agency-restores-some-climate-related-webpages-after-farmer-lawsuit-2025-05-13/>.



Ultimately, restricting access to environmental information undermines both accountability and the principles of climate justice, perpetuating cycles of inequality and environmental harm.

### **3.2 Threats to environmental journalists and climate activists**

Environmental journalists and climate activists are essential for ensuring the public receives accurate, timely, and actionable information about environmental and climate issues, acting as watchdogs and advocates for accountability. However, they face mounting threats globally, ranging from harassment and intimidation to physical violence and even assassination. According to UNESCO, over the past 15 years, there have been 749 documented attacks on environmental journalists, including 44 murders, highlighting the extreme risks involved in reporting on environmental violations and climate injustices.<sup>17</sup> Activists working on similar issues are often targeted with threats, arbitrary arrests, or smear campaigns, particularly when challenging powerful corporate interests or government policies. These attacks not only endanger individual safety but also undermine the broader free flow of information, limiting public awareness and impeding the advocacy necessary to hold authorities accountable. The chilling effect created by such risks discourages reporting on critical environmental issues, weakens civic engagement, and threatens the enforcement of climate justice principles, leaving vulnerable communities with fewer means to defend their rights and protect their environment.

## **4. Recommended Focus Areas for Events and Advocacy**

- Access to environmental information and transparency in public and corporate data.
- Promoting Digital Inclusion for Equitable Access to Environmental Information.
- Protecting Environmental Journalists and Climate Activists.
- Legal frameworks for environmental rights, including international conventions and their implementation.
- Accountability mechanisms for governments and corporations in environmental governance.
- Linking environmental information access to sustainable development goals and human rights.
- Ensuring data integrity, open access to scientific research, and preventing suppression of environmental datasets.

## **5. Suggested Readings**

- [Press and Planet in danger](#)
- [Access to Data: The “Under-the-Radar” Environmental Justice Issue](#)
- [When Climate Justice and Digital Rights Collide](#)
- [Earth Day: protecting reliable journalism, a pillar in the fight against global warming](#)
- [Access to environmental information: key elements and good practices](#)

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<sup>17</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000389501>.

## II. Climate change and food security.

World Food Day, 16th of October

### 1. A short Introduction

World Food Day is observed annually on October 16 to commemorate the founding of the United Nations Food and Agriculture Organisation (FAO) in 1945, marking its 80th anniversary in 2025.<sup>18</sup> As a specialised UN agency, the FAO is committed to ending hunger, promoting food security, and ensuring that all people have reliable access to sufficient, nutritious food.

Over eight decades since its establishment, World Food Day continues to draw attention to the persistent and growing threat of hunger, worsened by climate change, inequality, and armed conflicts. In 2024, around 673 million people worldwide faced hunger, with children and marginalised communities bearing the brunt of food insecurity.<sup>19</sup>

Food security is a core element of climate justice, as climate change disproportionately impacts vulnerable populations, limiting their access to safe and nutritious food.<sup>20</sup> Promoting food security through sustainable agriculture, fair distribution systems, and emergency support not only helps to prevent hunger but also addresses systemic inequalities, protects the most at-risk populations, and enhances resilience to the effects of climate crises.

### 2. Legal Framework

#### 2.1 International Frameworks

##### 2.1.1 The Universal Declaration of Human Rights

Article 25 of the Universal Declaration of Human Rights (UDHR) establishes the right of every individual to an adequate standard of living for themselves and their family, explicitly including food, clothing, housing, medical care, and necessary social services.<sup>21</sup> Within this framework, the right to adequate food is recognised as a central component, as it is essential not only for survival but also for health, well-being, and the full enjoyment of other human rights. Adequate food is more than mere subsistence; it encompasses sufficient, safe, and culturally appropriate nutrition that meets dietary needs for an active and healthy life.

##### 2.1.2 International Covenant on Economic, Social and Cultural Rights

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<sup>18</sup> <https://www.fao.org/world-food-day/about/en>.

<sup>19</sup> <https://openknowledge.fao.org/items/ca9cebff-306c-49b7-8865-2acf3bfd25e2>.

<sup>20</sup> [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2025\)775874](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)775874).

<sup>21</sup> <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the human right to adequate food as part of a broader right to an adequate standard of living.<sup>22</sup> Under Article 11, States Parties commit to ensuring that everyone has sufficient food, clothing, housing, and the continuous improvement of living conditions. Article 11.2 specifically emphasises the fundamental right to be free from hunger, requiring States to take both immediate and long-term measures individually and through international cooperation. These measures include improving food production, conservation, and distribution, utilising scientific and technical knowledge, promoting nutrition awareness, and ensuring equitable access to global food supplies.

The Covenant establishes that the right to adequate food applies to all individuals without discrimination, including female-headed households, and should be understood broadly, beyond mere caloric intake, to encompass sufficient and culturally appropriate nutrition.<sup>23</sup> While the realisation of this right may be progressive, States have a core obligation to take necessary actions to prevent and alleviate hunger, even in times of natural disasters or crises. Overall, ICESCR frames the right to food as essential for the enjoyment of all human rights and underscores the role of both national policy and international cooperation in achieving food security and freedom from hunger.

### **2.1.3 World Food Summit 1996**

At the World Food Summit held in 1996, participants formally adopted a definition of food security, emphasising that it exists when all people, at all times, have reliable physical and economic access to sufficient, safe, and nutritious food that meets their dietary needs and preferences for an active and healthy life.<sup>24</sup> This definition highlights four essential dimensions: the availability of food, accessibility both economically and physically, proper utilisation and absorption by the human body, and the stability of these dimensions over time.<sup>25</sup>

## **2.2 National Legislation**

The right to food constitutes a fundamental, multidimensional human right, whose realisation depends on a combination of individual agency and state obligations. Under normal circumstances, individuals secure this right through access to land, productive resources, or remunerated employment.<sup>26</sup> However, for those unable to provide for themselves due to factors beyond their control—such as illness, disability, age, armed conflict, or natural disasters—the State, communities, or international actors must ensure access to adequate food. Adequacy encompasses not only sufficient quantity but also nutritional quality and safety standards. The right to food is inherently interlinked with other human rights, including property rights, labour rights, social security, the right to information and education, and access to justice. At the

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<sup>22</sup> <https://www.ohchr.org/sites/default/files/cesr.pdf>.

<sup>23</sup> <https://docs.un.org/en/E/C.12/1999/5>.

<sup>24</sup> [https://www.fao.org/fileadmin/templates/faotail/documents/pdf/pdf\\_Food\\_Security\\_Coept\\_Note.pdf](https://www.fao.org/fileadmin/templates/faotail/documents/pdf/pdf_Food_Security_Coept_Note.pdf).

<sup>25</sup> Ibid.

<sup>26</sup> <https://openknowledge.fao.org/server/api/core/bitstreams/05fa798c-2204-4af7-94a3-d4d0a29d5748/content>.

constitutional level, States exhibit varying degrees of recognition.<sup>27</sup> Some constitutions explicitly guarantee the right to food for the entire population<sup>28</sup> or specific vulnerable groups,<sup>29</sup> such as children, the elderly, prisoners, or pensioners. Others incorporate the right to food implicitly through provisions on an adequate standard of living, a dignified life, social security, minimum wages, or state duties related to food safety, agricultural development, and consumer protection.<sup>30</sup>

### 3. Current Trends and Challenges

Climate change is increasingly affecting global food security by altering the conditions under which food is produced, distributed, and consumed. Rising temperatures, changing precipitation patterns, extreme weather events, and shifting ecosystems pose serious risks to the availability, accessibility, utilisation, and stability of food. These impacts disproportionately affect vulnerable populations, particularly smallholder farmers, indigenous peoples, and communities dependent on agriculture and natural resources, threatening both livelihoods and nutrition.

#### 3.1 Rising Frequency and Intensity of Extreme Weather Events

Climate change has significantly increased the occurrence and severity of extreme weather events, such as droughts, floods, and storms, profoundly impacting food security. These events disrupt agricultural systems by diminishing crop yields, harming livestock, and damaging infrastructure critical to fisheries and aquaculture. A study by the Food and Agriculture Organisation (FAO) analysing 78 post-disaster assessments in developing nations from 2003 to 2013 found that climate-related hazards accounted for 25% of economic losses in agriculture, underscoring the heightened vulnerability of smallholder farmers and communities reliant on natural resources.<sup>31</sup> Extreme weather also aggravates economic and social disparities by destabilising household incomes, forcing asset sales (e.g., livestock), and restricting access to food supplies. Additionally, indirect effects - such as the spread of pests, diseases, and invasive species - further weaken agricultural resilience and heighten uncertainty in food production.

#### 3.2 Reduction in Nutritional Quality and Food Safety

Emerging research suggests that climate change compromises not only food availability but also its nutritional value and safety. Higher atmospheric CO<sub>2</sub> levels are linked to decreased protein and micronutrient content in staple crops, while rising temperatures and humidity increase the risk of food-borne pathogens.<sup>32</sup> Degraded water quality and disruptions to ecosystems, such as declining pollinator populations, further threaten the ability to access sufficient, safe, and

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<sup>27</sup> Ibid.

<sup>28</sup> [https://hcj.gov.ua/sites/default/files/field/file/the\\_constitution\\_of\\_ukraine.pdf](https://hcj.gov.ua/sites/default/files/field/file/the_constitution_of_ukraine.pdf).

<sup>29</sup> [https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns\\_article-constitution-of-the-republic-of-north-macedonia.nspix](https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix).

<sup>30</sup> <https://www.government.nl/topics/constitution/documents/reports/2019/02/28/the-constitution-of-the-kingdom-of-the-netherlands/>

<sup>31</sup> <https://openknowledge.fao.org/server/api/core/bitstreams/a9b93dc0-9b13-4644-96d0-fd8879e66007/content>.

<sup>32</sup> <https://pubmed.ncbi.nlm.nih.gov/24805231/>.

nutritious food. These trends highlight the multifaceted nature of climate change impacts on food security, affecting both the quantity and quality of food. Addressing these challenges requires comprehensive legal, policy, and institutional measures to protect the human right to adequate food and nutrition.

#### **4. Recommended Focus Areas for Events and Advocacy**

- The right to adequate food is a core human right.
- Ensuring equitable access to food for vulnerable populations, including children, marginalised communities, and smallholder farmers.
- Strengthening national and international legal frameworks to protect food security.

#### **5. Suggested Readings**

- [Climate change and food security: risks and responses](#)
- [Severe climate change risks to food security and nutrition](#)
- [Climate change and nutrition](#)

### III. Protecting environmental rights during Armed Conflicts.

**The International Day for Preventing the Exploitation of the Environment in War,**  
6th of November

#### 1. A short Introduction

The International Day for Preventing the Exploitation of the Environment in War and Armed Conflict is observed every year on 6 November, following its proclamation by the United Nations General Assembly in 2001 through resolution 56/4.<sup>33</sup> The initiative emerged from the recognition that the environment, often described as a “silent victim” of war, endures long-term and sometimes irreversible damage as a result of armed conflicts. Forests, soils, water resources, and biodiversity are frequently destroyed or contaminated, with consequences that extend far beyond the immediate battlefield, affecting neighbouring states, entire ecosystems, and the lives of future generations.

Safeguarding the environment in conflict settings is vital because the devastation of ecosystems undermines the basic foundations of human survival, including access to food, clean water, livelihoods, and health. In regions already facing the severe consequences of climate change, armed conflict amplifies existing vulnerabilities, erodes resilience, and deepens inequality.<sup>34</sup> Polluted water, degraded farmland, and destroyed natural resources leave communities far less capable of adapting to climate-related challenges such as droughts, flooding, and food insecurity.

Viewed through the lens of climate justice, the International Day draws attention to the disproportionate impact borne by communities in conflict-affected and resource-dependent areas. These communities suffer the heaviest consequences of environmental degradation caused by war, while the damage inflicted also jeopardises the rights and well-being of future generations. Protecting the environment in times of conflict is therefore not only a humanitarian necessity but also an act of climate justice, ensuring that fragile ecosystems continue to sustain life and provide resilience in an era of climate change.

#### 2. Legal Framework

##### 2.1 International Frameworks

###### 2.1.1 Protocol Additional to the Geneva Conventions of 12 August 1949

Articles 35 and 55 of Additional Protocol I to the Geneva Conventions establish some of the most important rules for the protection of the environment during international armed

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<sup>33</sup> <https://docs.un.org/en/A/RES/56/4>.

<sup>34</sup> Ibid.



conflicts.<sup>35</sup> Together, they form the core of international humanitarian law provisions that recognise the natural environment as something more than mere property, treating it as an essential element for human survival and dignity.

Article 35 establishes that the freedom of parties to choose methods and means of warfare is subject to important limitations.<sup>36</sup> It specifically prohibits the use of weapons or tactics that inflict superfluous injury or unnecessary suffering. Crucially, paragraph 3 extends this protection to the environment by forbidding methods or means of warfare that are intended, or can reasonably be expected, to cause widespread, long-term, and severe damage to the natural environment. Although this threshold is set high, it reflects a significant acknowledgement that the environment itself requires protection from the destructive impacts of armed conflict.

Article 55 builds upon this principle by placing an explicit duty of care on parties to an armed conflict to protect the natural environment.<sup>37</sup> It requires belligerents to avoid using methods or means of warfare that would cause widespread, long-term, and severe damage to the environment if such damage would also prejudice the health or survival of the civilian population. This provision links environmental protection directly to human well-being, recognising that environmental destruction can have devastating humanitarian consequences by undermining food security, access to clean water, and public health. Furthermore, Article 55 prohibits reprisals against the natural environment, reinforcing the idea that the environment cannot be targeted or harmed in retaliation.

Taken together, these provisions highlight a dual approach: the environment is protected both as a value in itself and as a foundation for civilian survival. They form part of the broader humanitarian law framework that seeks to limit the means and methods of warfare, ensuring that even in times of conflict, there are boundaries designed to safeguard not only human beings but also the ecosystems on which they depend.

### **2.1.2 Guidelines on the Protection of the Natural Environment in Armed Conflict: Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law**

The Guidelines on the Protection of the Natural Environment in Armed Conflict compile rules and recommendations under international humanitarian law aimed at safeguarding the environment during war.<sup>38</sup> Each guideline is accompanied by a short commentary explaining its source and scope, making them a practical tool for states, armed parties, and other actors applying IHL. They are designed to help integrate environmental protection into military practice, national legislation, and policy, with the ultimate goal of reducing wartime

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<sup>35</sup> <https://ihl-databases.icrc.org/assets/treaties/470-AP-I-EN.pdf>

<sup>36</sup> <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-35/commentary/1987?activeTab=default>.

<sup>37</sup> <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-55/commentary/1987?activeTab=default>.

<sup>38</sup>

[https://www.icrc.org/sites/default/files/document\\_new/file\\_list/guidelines\\_on\\_the\\_protection\\_of\\_the\\_natural\\_environment\\_in\\_armed\\_conflict\\_advance-copy.pdf](https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_protection_of_the_natural_environment_in_armed_conflict_advance-copy.pdf).

environmental damage and protecting the populations who rely on natural resources for their survival.

## 2.2 National Legislation

Several countries have actively taken measures to incorporate the protection of the environment during armed conflict into their national legal frameworks, in line with international humanitarian law (IHL). Finland, for example, has been particularly proactive in this area. In 2024, the Finnish government, in collaboration with the Finnish Red Cross, committed to enhancing awareness and training on IHL rules related to environmental protection.<sup>39</sup> This initiative included translating key guidelines, organising workshops, and providing training to military personnel and legal advisers, ensuring that national forces are aware of their obligations to minimise environmental harm during armed operations.

## 3. Current Trends and Challenges

Despite progress in integrating environmental protection into international and national frameworks, significant challenges persist in effectively implementing and enforcing these measures during armed conflicts. A major issue is the absence of specific legislation in many countries, which creates gaps in accountability for environmental damage caused by military operations. Even in jurisdictions with relevant laws, enforcement mechanisms are often weak, and political or resource constraints may hinder monitoring and compliance.<sup>40</sup> Furthermore, gaps in awareness and training among military personnel and legal advisors can limit the practical application of international humanitarian law, particularly regarding long-term or indirect environmental consequences.

Prosecuting environmental war crimes, such as ecocide, presents an additional challenge. Although instruments like the Rome Statute of the International Criminal Court<sup>41</sup> recognise widespread, long-term, and severe environmental damage as a potential war crime, prosecutions remain rare. Legal uncertainty around defining thresholds for liability can weaken deterrence and reduce accountability for environmental harm.

Addressing these challenges requires a comprehensive approach that includes strengthening national legislation, enhancing enforcement mechanisms, providing thorough training for military and legal actors, and fostering international cooperation to clarify norms and establish effective monitoring systems. Such measures are crucial to translating environmental protection principles into concrete actions, ensuring the safeguarding of ecosystems and the communities that depend on them during armed conflicts.

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<sup>39</sup> <https://rcrcconference.org/pledge/protection-of-the-environment-in-armed-conflict>.

<sup>40</sup> <https://rm.coe.int/environmental-impact-of-armed-conflicts/1680a94241>.

<sup>41</sup>

<https://resolve.cambridge.org/core/services/aop-cambridge-core/content/view/8D9918CBC00FB399AE2B169EF67B8F17/S2044251325100702a.pdf/ecocide-to-effectively-stimulate-the-integration-of-international-environmental-and-criminal-laws.pdf>.

#### 4. Recommended Focus Areas for Events and Advocacy

- Accountability and justice mechanisms, including the prosecution of environmental war crimes such as ecocide.
- Climate justice and the long-term consequences of environmental damage.
- Strengthening national laws and policies to prevent environmental damage in conflicts.
- Ensuring accountability for environmental war crimes.

#### 5. Suggested Readings

- [Protection of the environment in relation to armed conflicts: resolution / adopted by the General Assembly](#)
- [Navigating legal frontiers: Climate change, environmental protection and armed conflict](#)
- [The General Assembly Resolution "Protection of the Environment in Relation to Armed Conflicts" of 2022: Where We Stand 30 Years after](#)
- [Guidelines on the Protection of the Natural Environment in Armed Conflict: Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law](#)
- [Environmental impact of armed conflicts](#)

## IV. Protecting the environment using human rights law.

Human Rights Day, 10<sup>th</sup> of December

### 1. A short Introduction

On 10 December 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations, marking a historic milestone in the advancement of human rights.<sup>42</sup> In commemoration of this pivotal moment, Human Rights Day is observed annually on 10 December, serving as a reminder of the global responsibility to safeguard the rights that sustain human dignity and well-being.

The UDHR not only establishes the fundamental rights of all individuals but also provides a “common standard of achievement for all peoples and all nations,” offering a framework that can guide international, national, and local laws and policies.

Despite growing awareness and the existence of legal instruments aimed at protecting both human rights and the environment, the enjoyment of environmental rights continues to face threats, particularly from unsustainable development, pollution, and weak enforcement of environmental regulations. In response, international human rights mechanisms have issued recommendations urging states to integrate human rights principles into environmental governance, ensure access to information and justice in environmental matters, and prevent environmental harms that disproportionately impact vulnerable communities. By using human rights law as a tool, societies can more effectively uphold environmental protections while guaranteeing the fundamental rights of all people.

### 2. Legal Framework

Human rights are inherent to all individuals, irrespective of nationality, gender, age, religion, language, or other status. While international human rights law does not explicitly guarantee the right to a clean and safe environment, largely because most human rights treaties were adopted before environmental concerns gained prominence, these rights remain closely connected to environmental protection. However, several treaties make indirect references to elements of a healthy environment. The recognition and protection of these environmental dimensions are therefore critical for advancing both human rights and environmental sustainability.

#### 2.1 International Frameworks

##### 2.1.1 The European Convention on Human Rights

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<sup>42</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

Even though the European Convention on Human Rights does not explicitly enshrine a right to a clean and healthy environment, the European Court of Human Rights has progressively developed its case-law in environmental matters,<sup>43</sup> recognising that the enjoyment of certain Convention rights may be undermined by environmental harm and exposure to related risks. In *Fredin v. Sweden*, the Court acknowledged that environmental protection constitutes an increasingly important consideration in modern society. More recently, in its landmark judgment in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, the Court held that States bear responsibility to combat climate change in order to safeguard human rights.

### 2.1.2 Paris Agreement

The Paris Agreement of 2015 does not establish a self-standing right to a healthy environment nor create new human rights obligations. However, it expressly links climate action with existing human rights law. The most explicit reference is found in the Preamble, which provides that Parties, when addressing climate change, should “*respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.*”<sup>44</sup>

Although the preambular clause is not legally binding, under Article 31(2) of the Vienna Convention on the Law of Treaties it forms part of the treaty’s interpretative context. As such, Parties must implement their commitments consistently with existing human rights obligations. Other provisions of the Agreement reinforce this link indirectly, for instance by requiring adaptation and capacity-building to be gender-responsive and participatory<sup>45</sup> and by emphasising the importance of poverty eradication, food security, and sustainable development.

### 2.1.3 Resolution 76/300

On 28 July 2022, the United Nations General Assembly adopted Resolution A/76/300, by which it formally recognized the right to a clean, healthy and sustainable environment as a human right.<sup>46</sup> This resolution, co-sponsored by more than fifty States, affirms that the enjoyment of such an environment is intrinsically linked to the full realization of other human rights and is grounded in existing international law.<sup>47</sup> The General Assembly called upon States, international organizations, and business actors to intensify their efforts and adopt effective policies aimed at the protection, preservation and restoration of the environment. It further emphasized the need for strengthened international cooperation and for the implementation of multilateral environmental agreements, reaffirming that the protection of the environment constitutes a necessary condition for the effective exercise of fundamental human rights.

<sup>43</sup> [https://ks.echr.coe.int/documents/d/echr-ks/guide\\_environment\\_eng](https://ks.echr.coe.int/documents/d/echr-ks/guide_environment_eng).

<sup>44</sup> [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf).

<sup>45</sup> <https://www.benoitmayer.com/files/Human%20rights%20in%20the%20Paris%20Agreement.pdf>.

<sup>46</sup> <https://digitallibrary.un.org/record/3982508?ln=en&v=pdf>.

<sup>47</sup> Ibid.

## 2.2. National Legislation

The right to a clean, healthy, and sustainable environment has now attained broad legal recognition at the national level, being enshrined in the constitutions, legislation, or regional treaties of 161 out of 193 United Nations Member States, representing more than 80 per cent of the international community.<sup>48</sup> This recognition is not only declaratory but also creates concrete obligations for both individuals and public authorities. For instance, Article 45 of the Spanish Constitution explicitly guarantees everyone the right to enjoy an environment suitable for personal development, while simultaneously imposing a duty to preserve it, and requires public authorities to safeguard the rational use of natural resources with a view to improving quality of life and restoring the environment.<sup>49</sup> Similarly, Article 66 of the Portuguese Constitution affirms the right to a healthy and ecologically balanced environment, linking it to sustainable development, and sets out detailed obligations of the State, ranging from pollution prevention and land-use planning to the creation of natural reserves, the promotion of intergenerational solidarity, and the integration of environmental objectives across sectoral policies.<sup>50</sup> These examples demonstrate how national constitutions in Europe have evolved to codify the environmental dimension of fundamental rights, thereby reinforcing the international recognition of this right.

## 3. Current Trends and Challenges

A significant challenge in recognizing environmental rights as human rights is the weak enforcement of international and regional legal frameworks. Many environmental agreements, while ambitious in language, remain aspirational in practice due to the lack of binding enforcement mechanisms. This allows states and corporations to sidestep obligations without meaningful accountability. Furthermore, the absence of a unified global legal regime creates fragmented and uneven protections across jurisdictions, leading to incoherence and gaps in rights-based climate action. Governments often prioritize short-term economic development over long-term environmental sustainability, undermining their human rights commitments and leaving environmental justice vulnerable to political and economic pressures.

Another pressing challenge is the widespread violence, repression, and criminalization faced by environmental human rights defenders. According to the United Nations, defenders of environmental and land rights often face threats, violence, and even murder, with inadequate action from authorities to protect them.<sup>51</sup> This situation is exacerbated by negative media portrayals and political discourse that frame defenders as threats to public order or economic

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<sup>48</sup>

<https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf>.

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<https://www.senado.es/web/conocersenado/normas/constitucion/detalleconstitucioncompleta/index.html?lang=en>.

<sup>50</sup> <https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf>.

<sup>51</sup>

[https://www.ohchr.org/en/statements-and-speeches/2023/06/climate-protection-human-right?utm\\_source=chatgpt.com](https://www.ohchr.org/en/statements-and-speeches/2023/06/climate-protection-human-right?utm_source=chatgpt.com).



stability. Additionally, legal frameworks at national levels sometimes restrict the exercise of rights to access justice, participation, and freedom of peaceful assembly and association. These challenges undermine the ability of defenders to advocate for environmental protection and human rights effectively.

#### **4. Recommended Focus Areas for Events and Advocacy**

- Climate justice and vulnerable communities.
- Environmental litigation and legal accountability.
- Public participation and access to justice.
- Right to a healthy environment in international and national legislation.
- Pollution control and the right to clean air and water.
- Right to a healthy environment in national constitutions.
- Environmental justice in urban planning.

#### **5. Suggested Readings**

- [Manual on Human Rights and the Environment](#)
- [Guide to the case-law of the European Court of Human Rights on Environment](#)
- [Protecting the environment using human rights law](#)
- [The Strasbourg Principles of International Environmental Human Rights Law – 2022](#)
- [Paris Agreement](#)
- [Urgenda Foundation v. State of the Netherlands](#)

## Your Feedback Matters.

We welcome your input. We hope these resources serve as a valuable guide in planning meaningful and productive sessions for your group. Should you have any suggestions for improving these materials, or if there are specific topics or international days you would like included in future editions, please do not hesitate to share your ideas.

Please send any feedback, ideas, or suggestions to [director.ahrc@elsa.org](mailto:director.ahrc@elsa.org).