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# Clean air and human rights

A/HRC/40/55 - Executive summary

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# The impacts of air pollution

Exposure to air pollution causes a wide range of health effects including respiratory illness and infections, heart disease, stroke, lung cancer and negative birth outcomes (e.g. pre-term birth and low birth weight). A growing body of evidence links air pollution to other health problems including cataracts, ear infections, the onset of asthma in children, chronic deficits in lung function, stunting, diabetes, childhood obesity, developmental delays, reduced intelligence and neurological disorders afflicting both children and adults. A study published in 2016 by the World Bank estimated that the global costs of air pollution exceed \$5 trillion per year.

Air pollution affects everyone, causing widespread violations of the right to a healthy environment. Yet the burden of related disease has a disproportionate impact on certain vulnerable populations. Among the most severely harmed are women, children, older persons, minorities, indigenous peoples and members of traditional communities, people living in poverty, people with pre-existing health conditions such as respiratory conditions or heart disease and people who fall into several of these categories.

The overwhelming majority of illnesses and premature deaths caused by air pollution affect people in low- and middle-income countries. Poverty forces people to use polluting fuels and devices for cooking. Major sources of ambient air pollution, including power plants, factories, incinerators and busy roads, are often located in poor communities. Air pollution plagues low-quality housing, informal or temporary settlements and refugee camps. Poverty also exacerbates the impacts of air pollution through lack of access to information, health care and other resources.

## Sources of air pollution

Air quality is degraded by both ambient and household air pollution. Ambient air pollution is caused by electricity generation (from burning fossil fuels or biomass), industrial processes (e.g. oil refining, brick and cement manufacturing), mining, agricultural practices (e.g. burning crop residues or clearing land), poor waste management (e.g. open burning of garbage) and transportation (land, water, air). Household air pollution is generated by the use of solid fuels (e.g. wood, dung, crop residues, coal) for cooking and heating within the home, as well as by burning kerosene for lighting. The relative importance of ambient and household air pollution varies depending on the level of wealth and availability of resources. There are significant interactions between the two categories of air pollution, as burning solid fuels indoors pollutes outdoor air.

Thousands of chemicals can have negative impacts on air quality. The substances that have been the primary focus of abatement efforts to date because of their known adverse health effects are particulate matter (PM), sulphur dioxide, nitrogen oxides, carbon monoxide, ozone and lead. A group of pollutants that must be targeted with great urgency because of their substantial negative impacts on climate change and air quality are called short-lived climate pollutants and include black carbon, methane and tropospheric ozone.

Greenhouse gas emissions are also a form of air pollution. States have obligations under human rights law to reduce their emissions of greenhouse gases and take steps to adapt to climate change.

## Impacts of air pollution on human rights



Air pollution causes 7 million premature deaths annually, including the deaths of more than 600,000 children. These staggering and almost incomprehensible statistics represent an egregious violation of the right to life.



The number of people whose right to health is violated by air pollution is in the billions. 90 per cent of all people live in places where the air quality fails to meet the guidelines established by WHO.



Clean air is one of the substantive elements of the right to a safe, clean, healthy and sustainable environment.



The WHO has concluded that “children have a basic human right to breathe clean air in their homes, schools, and communities” In several concluding observations, the Committee on the Rights of the Child has urged States to expedite actions to protect children from polluted air.



Approaching air quality from a human rights perspective highlights the principles of universality and non-discrimination, under which human rights are guaranteed for all persons, including persons living in vulnerable situations.



Some air pollutants have damaging impacts on agricultural productivity. It is estimated that 79–121 million tonnes of crops are lost annually due to ground-level ozone.

# Human rights obligations relating to clean air

The framework principles on human rights and the environment clarify the three categories of State obligations: procedural, substantive, and special obligations towards those in vulnerable situations. Therefore, the framework principles can be operationalized in the context of air pollution in order to respect, protect and fulfil human rights.

The procedural obligations of States in relation to the right to breathe clean air include duties related to promoting education and public awareness; providing access to information; ensuring freedom of expression, association and assembly; facilitating public participation in the assessment of proposed projects, policies and environmental decisions; and ensuring affordable, timely access to remedies.

With respect to substantive obligations, States must not violate the right to breathe clean air through their own actions; must protect the right from being violated by third parties, especially businesses; and must establish, implement and enforce laws, policies and programmes to fulfil the right. States also must avoid discrimination and retrogressive measures.

## Outlining a rights-based approach

There are seven key steps that States must take in fulfilling the right to a healthy environment by ensuring clean air, detailed below.

At each of these stages, States must ensure that the public is fully informed and has an opportunity to participate in decision-making processes. Extra effort should always be made to reach out to women, children and others in vulnerable situations whose voices are too often not heard in environmental policy processes. States must pay special attention to environmental defenders working to protect clean air and the right to a healthy environment. The seven key steps include:



Establishing networks and programmes to monitor air quality and health effects, particularly in urban areas and other regions known to suffer from poor air quality.



Reducing the disease burden attributable to air pollution and fulfilling the right to clean air by understanding the types of pollution and major contributing sources, and identifying the highest priority and most cost-effective actions for controlling emissions to protect public health, human rights and the environment.



Sharing information in a timely, accessible way, educating the public about the health risks posed by poor air quality and having systems in place to provide warnings when pollution poses an acute health threat, particularly for vulnerable populations.



Establishing air quality legislation, regulations and standards. Air quality standards should protect the most vulnerable members of society, in part by applying the precautionary principle and using adequate margins of safety.



Developing air quality action plans that identify the most important and effective measures that can be implemented to improve air quality, particularly for vulnerable populations.



Ensuring the effective enforcement of their environmental standards against public and private actors, and ensuring that people have access to remedies, through judicial or similar processes, when their right to a healthy environment is being threatened or violated by air pollution.



Evaluating progress (or the lack thereof) on a regular basis and revising air quality standards and plans accordingly.

# Some good practices relating to human rights and clean air



The Dominican Republic, France and the Philippines explicitly recognize the right to breathe clean air in legislation.



In Europe, legal developments have established that European citizens have an enforceable right to breathe clean air.



China strengthened its Law on the Prevention and Control of Atmospheric Pollution Control and invested to improve air quality.



Phasing-out of leaded gasoline and reductions in the sulphur content of transport fuels have improved air quality in many countries.



Curitiba, a large Brazilian city, has built an extensive rapid bus system. In 2013, a plan to add 300 kilometres of bicycle paths was launched.



The International Maritime Organization recently established a strict new limit for the sulphur content of fuel used in shipping.



A growing number of States have eliminated the use of coal to generate electricity, are phasing out coal or are committed to never using coal.



A growing number of countries have pledged to phase out the sale of internal combustion vehicles by dates ranging from 2030 to 2040.



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