

Mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Ref.: OL GBR 7/2023

(Please use this reference in your reply)

29 March 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, pursuant to Human Rights Council resolution 46/7.

I would like to bring to the attention of your Excellency's Government information that I have received concerning a bill called the *Clean Air (Human Rights) Bill* (Bill 210, 2022-23), which has been passed by the House of Lords and is now before the House of Commons (currently at second reading).¹

As a matter of background, I would like to remind your Excellency's Government of some relevant official figures, whereby "The annual mortality of human-made air pollution in the United Kingdom of Great Britain and Northern Ireland is roughly equivalent to between 28,000 and 36,000 deaths every year. It is estimated that between 2017 and 2025 the total cost to the National Healthy Service and social care system of air pollutants (fine particulate matter and nitrogen dioxide), for which there is more robust evidence for an association, will be £1.6 billion."²

I also wish to recall that air quality standards in the United Kingdom of Great Britain and Northern Ireland are weaker than the most recent recommendations published by the World Health Organization (WHO). For example, regarding fine particulate matter PM2.5, widely understood as the most dangerous air pollutant for human health, the United Kingdom of Great Britain and Northern Ireland's objective of 20 µg/m³ (annual mean) is four times higher than the WHO guideline of 5 µg/m³. Similarly, for nitrogen dioxide, the United Kingdom of Great Britain and Northern Ireland objective of 40 µg/m³ (annual mean) is four times higher than the WHO guideline of 10 µg/m³.³

Against this backdrop, it is encouraging to learn that a bill called the *Clean Air (Human Rights) Bill* (Bill 210, 2022-23), has been passed by the House of Lords and is now before the House of Commons (currently at second reading).⁴ The *Clean Air (Human Rights) Bill* would recognize the human right to breathe clean air (an essential element of the right to a clean, healthy and sustainable environment) and would require the United Kingdom of Great Britain and Northern Ireland to strengthen its air quality objectives and take accelerated action to meet these objectives.

¹ <https://bills.parliament.uk/bills/3161>

² See <https://www.gov.uk/government/publications/air-pollution-applying-all-our-health/air-pollution-applying-all-our-health#:~:text=In%20the%20UK%2C%20air%20pollution,and%2036%2C000%20deaths%20every%20year.>

³ See <https://apps.who.int/iris/handle/10665/345329> and https://uk-air.defra.gov.uk/assets/documents/Air_Quality_Objectives_Update.pdf

⁴ <https://bills.parliament.uk/bills/3161>

This proposed legislation is also known as “Ella’s Law” in memory of the nine-year-old child, Ella Kissi-Debrah (2004-2013), who was the first person in the world to have a coroner conclude on a death certificate that air pollution was a cause of death.⁵ In his report, the coroner urged the government to take action to bring air quality up to minimum WHO standards. This recommendation has been repeated by numerous British health care experts.⁶

The above-mentioned Bill appears encouraging also in light of Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right and for which your Excellency’s Government voted in favour.

I would also like to bring to the attention of your Excellency’s Government the Framework Principles on Human Rights and the Environment as detailed in my 2018 report o(A/HRC/37/59). The Principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (Principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (Principle 2); States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment (Principle 3) and States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities (Principle 12).

As it is my responsibility, under the mandates provided to me by the Human Rights Council, to seek to clarify all situations brought to my attention, I would be grateful if your Excellency’s Government could:

1. Please provide any additional information and any comment it may have on the above-mentioned situation including expected steps on the legislative process.

In the meantime, I would like to urge swift enactment and implementation of the Clean Air (Human Rights) Bill (Bill 210, 2022-23) which has the potential to save tens of thousands of lives every year.

This communication, as a comment on pending legislation and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

⁵ See <https://ellaslaw.uk/>

⁶ For scientific articles in the British Medical Journal urging the UK to adopt stronger air quality standards, see <https://www.bmj.com/content/380/bmj.p224>, <https://www.bmj.com/content/378/bmj.o1664>, and <https://www.bmj.com/content/379/bmj.o2425>

Please accept, Excellency, the assurances of my highest consideration.

David R. Boyd

Special Rapporteur on the issue of human rights obligations relating to the enjoyment
of a safe, clean, healthy and sustainable environment