

# THE RIGHT TO LIVE IN A HEALTHY ENVIRONMENT

ecojustice

## ISSUE

Nine out of 10 Canadians are concerned about the impact of environmental degradation on their health and the health of their children —and with good reason. The World Health Organization estimates environmental contamination, including polluted air and water, causes as many as 36,000 premature deaths annually in Canada. Preventable environmental hazards contribute up to 1.5 million days in hospital annually due to cardiovascular disease, respiratory illness, cancer, and birth defects alone. The environment has a tremendous influence on our health and well-being.<sup>1</sup>

Municipal governments make decisions that affect transportation, housing density, waste disposal and other issues related to the quality of the environment. Local governments also have the power to pass bylaws to protect residents from environmental harm. [A municipal declaration recognizing the right to a healthy environment would demonstrate a willingness to take a stand for residents' rights to clean air, water and safe food, signal municipal leadership in building a healthy, sustainable community and draw attention to the Canadian Constitution's silence on environmental issues.](#)

## RECOMMENDATIONS

The David Suzuki Foundation and partners recommend that the municipality:

1. Officially recognize the right to a healthy environment, through a municipal declaration or equivalent;
2. Respect, protect and fulfill the right to a healthy environment within municipal boundaries; and
3. Encourage provincial/territorial and federal action to protect the right to a healthy environment for all Canadians.

## BACKGROUND

Over the past 50 years, the right to a healthy environment has gained recognition faster than any other human right. More than 110 governments around the world, have already recognized their citizens' right to live in a healthy environment through bylaws, declarations, legislation, charters and constitutional provisions. In the United States, over 150 local governments have passed ordinances that recognize citizens' right to a healthy environment and protect them from a range of harmful practices.<sup>2</sup> The rights protected by these legal instruments include breathing clean air, drinking clean water, consuming safe food, accessing nature and knowing about pollutants and contaminants released into the local environment. Evidence shows that most countries with environmental rights and responsibilities in their constitutions:

<sup>1</sup> Boyd, D. 2012. *The Right to a Healthy Environment*. Vancouver: UBC Press.

<sup>2</sup> Community Environmental Legal Defense Fund. Community Rights. <http://www.celdf.org/section.php?id=423>

- Enjoy stronger and better enforced environmental laws;
- Demonstrate enhanced government and corporate accountability;
- Have smaller per capita ecological footprints;
- Rank higher on environmental performance in over a dozen key areas;
- Are more likely to have ratified international environmental agreements; and
- Have been more successful in reducing greenhouse gas emissions.<sup>3</sup>

While five provinces and territories have some modest form of environmental rights legislation, even in these jurisdictions (Quebec, Ontario, the Yukon, Northwest Territories, and Nunavut) the laws have significant weaknesses that undermine their effectiveness and need to be substantially strengthened. In addition, Canada's Charter of Rights and Freedoms presently does not explicitly protect or even address environmental rights, leaving Canada among a minority of countries that do not yet recognize the right to a healthy environment.

Municipal governments can help move toward an overarching environmental rights legal framework in Canada. These declarations represent a commitment to decision-making principles that will protect, fulfill and promote the right to a healthy environment. They are aspirational public pronouncements that city council cares about environmental health. Declarations of environmental rights can ensure accountability through regular assessment and public reporting of the municipality's progress on meeting its sustainability objectives. The declaration also includes an action item for councils to ask their provincial and federal governments to move forward with environment rights legislation. More than 50 municipalities representing nearly five million Canadians have already taken action to recognize their citizens' environmental rights.

## CONCLUSION

Environmental rights relate to many issues Canadians care about—healthy food, land use and development, water and air quality, climate change, habitat and biodiversity protection, parks creation, children's access to nature, social justice and more. Yet Canada lacks important legal protection for environmental rights. All levels of government must take action to address this oversight. Municipal adoption of a declaration respecting all residents' right to a healthy environment will reaffirm a community's commitment to sustainable development, set an important precedent and can inspire action at other levels of government, ultimately resulting in better environmental performance and a healthier population in Canada.<sup>4</sup>

## CONTACT

Alaya Boisvert, Blue Dot Project Lead  
 aboisvert@davidsuzuki.org  
 604.732.4228 x1263 | 604.562.2779

<sup>3</sup> Boyd, D. R. 2013. "The Importance of Constitutional Recognition of the Right to a Healthy Environment" <http://davidsuzuki.org/publications/2013/11/DSF%20White%20Paper%201--2013.pdf>

<sup>4</sup> Boyd, D. 2012. *The Right to a Healthy Environment*. Vancouver: UBC Press.