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RESEARCH ARTICLE

Recognition of Right to Healthy Environment as a Human Right: Prospects and Challenges in Bangladesh

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ABSTRACT

Environmental protection is of utmost importance due to its impact on various aspects of human life, ecosystem well-being, and planetary sustainability. Many more human rights are affected by the right to a healthy environment. The right to a healthy environment is also connected to many existing international environmental laws and human rights laws. Therefore, considering the necessity, the UN General Assembly on 28 July 2022 passed a resolution recognizing the human right to a clean, healthy and sustainable environment. In the absence of a proper framework, marginalized communities, particularly those already facing social and economic disadvantages, might disproportionately be affected by environmental degradation and pollution. Without a recognized right to a healthy environment, these communities have struggled to access justice and hold accountable those responsible for environmental harm. Furthermore, countries like Bangladesh lack enough resources to ensure the right to a healthy environment for everyone. After this UN resolution, what the effect might be on developing nations is still unknown. This study analyses the recent developments happening worldwide after the UN resolution. By exploring the historical development of the right to a healthy environment as a human right and its implementation and enforcement at the domestic level, this paper identifies the challenges developing nations face in recognizing the right if an international instrument is established. However, this subject is comparatively new and there is a lack of widely varying perspectives exploring the roles of normative premises.

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1. Introduction

Environmental protection is of utmost importance due to its impact on various aspects of human life, the well-being of ecosystems, and the sustainability of the planet. The recognition of the right to a healthy environment has been gradually developing since the 1970s. The 1972 Stockholm Declaration was a catalyst for the recognition of this right at the national and regional levels.[3] Since then, the right to a healthy environment has been included in regional human rights treaties, environmental treaties, and the constitutions and legislation of many countries. It is recognized in regional conventions and soft law instruments, but there is no

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[3]Yann Aguila, 'The Right to a Healthy Environment' (International Union for Conservation of Nature, 8 October 2021) <https://www.iucn.org/news/world-commission-environmental-law/202110/right-a-healthy-environment>

globally binding convention similar to the 1966 human rights international covenants. This lack of global recognition poses challenges to the effective implementation of this right. Major world powers, such as the USA and China, are still reluctant to recognize this right.[4] It is an important legal and ethical issue.[5] But its international recognition is still limited. The right to a healthy environment has both procedural and substantive components[6], and its implementation poses challenges. Different jurisdictions have taken different approaches to the recognition of this right, and there are ongoing debates about its scope and implications.[7] Furthermore, this issue is not yet widely discussed in Bangladesh, but it's very relevant because Bangladesh is vulnerable to environmental degradation at all levels, including global, regional and national.[8] In reality, however, the people of this country are subject to a great number of other environmental dangers that cannot be evaluated without proper administrative efforts. Due to the absence of any environmental quality and impact assessment, Bangladesh's national legislation lacks clarity on these matters.[9]

Environmental protection ensures the safety and well-being of humans, crops, plants, and animals. Pollution, habitat destruction, and climate change can have detrimental effects on human health, leading to respiratory diseases, waterborne illnesses, and other health issues.[10] Protecting the environment helps to mitigate these risks and create healthier living conditions for humans. Marginalized communities, particularly those already facing social and economic disadvantages, are often disproportionately affected by environmental degradation and pollution. Without a recognized right to a healthy environment, these communities may struggle to access justice and hold accountable those responsible for environmental harm. Furthermore, countries like Bangladesh lack enough resources to ensure the right to a healthy environment for everyone. After the UN resolution, what the effects might be on developing nations is still unknown.

The major work that has been done was before the recognition of the right by the UN General Assembly. And the scholars who are working with it currently are

[4] ibid (n 1)
[5] ibid (n 1)
[6] Inger Andersen, 'What is the Right to a Healthy Environment?' (United Nations Development Programme, United Nations Environment Programme, and Office of the United Nations High Commissioner for Human Rights, January 2023) <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> accessed 24 June 2023
[7] ibid (n 4)
[8] Md Nazrul Islam, 'Right to Healthy Environment: Legal Efforts in Bangladesh' (1993) Vol 4(1) The Dhaka University Studies Part-F <http://journal.library.du.ac.bd/index.php?journal=DULJ&page=article&op=viewFile&path[]=1375&path[]=1317> accessed 23 June 2023
[9] ibid (n 6)
[10] Gopal Patel, 'Why having a clean and healthy environment is a human right' (World Economic Forum 30 November 2021) <https://www.weforum.org/agenda/2021/11/why-having-a-clean-and-healthy-environment-is-a-human-right/> accessed 22 June 2023

more focused on the benefits of this resolution. However, there is a noticeable tendency to downplay the challenges and potential struggles that may confront developing and underdeveloped nations in implementing and realizing the right to a healthy environment.

2. Understanding the Right to a Healthy Environment

The right to a healthy environment has rapidly gained constitutional protection around the world. The right is now recognized explicitly in the constitutions of 90 countries spanning Europe, Asia, Latin America, the Caribbean, and Africa. (cited needed) It is recognized as an implicit and enforceable constitutional right in at least twelve additional countries. The decisions of international courts and tribunals provide further support for concluding that the right to life necessarily includes the right to healthy surroundings. The idea behind the right to a healthy environment is the understanding that people and communities have an inherent right to live in a clean, safe, and environmentally sustainable environment.[11] Multiple human rights, including the right to life, health, and a reasonable standard of living, are directly impacted by environmental conditions, according to this right. For the complete realization of human rights, which include life, health, sustenance, water, hygiene, and development, the fundamental right to a pristine, thriving, and enduring environment is mandatory.[12] Unfortunately, pollution, climate change, and the decline in biodiversity are among the global issues that are causing the environment to deteriorate. The adverse co-factors of rising global temperatures include air pollution, water scarcity, and soil degradation, which disproportionately impact vulnerable populations and groups.[13] Children experience the profound effects of environmental degradation, such as food and water shortages and disease transmission, more acutely than adults do because of their immature immune and physiological systems. Furthermore, Indigenous Peoples face tremendous risks in defending their ancestral lands, resources, and territories.

Urgent and inventive strategies to enhance environmental protection are necessary to confront these challenges. The General Assembly recognizes a clean, healthful, and sustainable environment as an inherent human right.[14] This implies that everyone is entitled to live in an environment that is safe, healthy, and sustainable and does not jeopardize their enjoyment of other human rights or their well-

[11] United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP) and Office of the United Nations High Commissioner for Human Rights (OHCHR), What is the Right to a Healthy Environment? (2023) 1 <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> accessed on 9 November 2023

[12] Megan Donald, 'Human Rights, the Environment, and the Right to a Clean, Healthy and Sustainable Environment' (2022) Geneva Academy of International Humanitarian Law and Human Rights <https://geneva-academy.ch/joomlatools-files/docman-files/Right%20to%20a%20Healthy%20Environment.pdf> accessed 24 June 2023.

[13] ibid

[14] 'UN declares access to clean and healthy environment a universal human right' UN News (2022) <https://news.un.org/en/story/2022/07/1123482> accessed 6 December 2023

being.[15] The United Nations resolution, on the other hand, does not include a specific definition of the right to a healthy environment. Moreover, it does not make it clear which rights are included in this context. The resolution in question suffers from this fundamental shortcoming.

2.1. Elements of Right to Healthy Environment

There are both substantive and procedural components to the right to a healthy environment.[16] The substantive elements include clean air, a stable climate, safe water, sanitation, healthy food, non-toxic environments, and healthy biodiversity. The procedural elements include access to information, decision-making, and justice. Realizing this right requires international cooperation, solidarity, and equity in environmental action, resource mobilization, and recognition of extraterritorial jurisdiction over human rights harms caused by environmental degradation.[17]

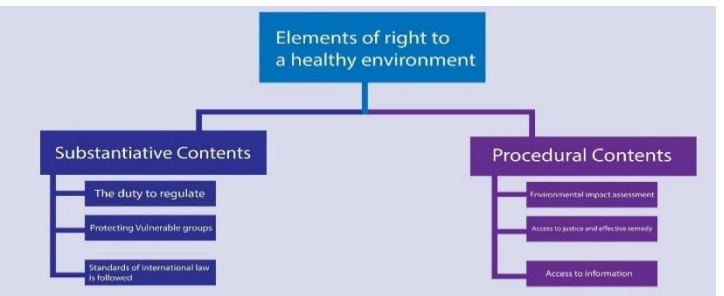


Figure 1: The Elements of the right to a healthy environment

2.1.1. Substantive Contents

The substantive contents of the right to a healthy environment have been outlined by the courts of Colombia, which mandate that states must protect environmental diversity, safeguard natural wealth, conserve ecologically significant areas, promote environmental education, sustainably manage natural resources, prevent environmental deterioration, impose legal sanctions, and collaborate with other nations for the protection of border ecosystems.[18]

The Inter-American Court of Human Rights has also brought attention to the

[15] United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP) and Office of the United Nations High Commissioner for Human Rights (OHCHR), What is the Right to a Healthy Environment? (2023) <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> accessed on 9 November 2023

[16] Ke TANG, Otto SPIJKERS, 'The Human Right to a Clean, Healthy and Sustainable Environment' (2022) 6 Chinese Journal of Environmental Law 87

[17] GANHRI, UNDP and OHCHR, *Monitoring the Right to a Healthy Environment: A Tool for National Human Rights Institutions* (2026), available at <https://www.undp.org/publications/monitoring-right-healthy-environment-tool-national-human-rights-institutions-r2he-tool> accessed 27 July 2026

[18] NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/>accessed 19 July 2026

substantive obligations that are associated with the right to a healthy environment.[19] These obligations include the guaranteeing of a healthy environment for all individuals without discrimination, and the promotion of environmental protection, conservation, and improvement.[20] The right outlines both negative and positive aspects, and it holds governments and other actors responsible for taking constructive steps to safeguard and preserve environmental quality and to prevent environmental harms.[21] Broadly, the substantive contents can be discussed under the following heads-

a) The duty to Regulate

States have an obligation to control and safeguard the elements of a healthy environment, such as biodiversity, clean air, land, and water, as well as the climate.[22] Many nations have emphasized this obligation. The Supreme Court of the Philippines, for example, has stated that active execution of initiatives aimed at mitigating environmental impacts is one way that governments demonstrate compliance.[23] Similar policies for environmental preservation, sustainable development, and long-term environmental enhancement are also in place in other nations, including Spain, Tajikistan, Cuba, and Timor-Leste.[24]

b) Protecting Vulnerable Groups

Specific demographics, including children, the elderly, minority communities, Indigenous people, and individuals with disabilities, are more vulnerable to the negative impacts of environmental degradation.[25] States and other actors should implement strong measures to safeguard these populations from environmental damage, which includes abstaining from activities that unnecessarily impede their ability to access a clean and secure environment. The objective of Vietnam's Law on Environmental Protection is to facilitate sustainable socioeconomic progress and safeguard the environment. Additionally, legal precedents emphasize the susceptibility of groups of African descent.[26]

c) Ensuring Compliance with Obligations and Standards of International Law

Domestic policies and laws ought to be in line with the standards and

[19] Advisory Opinion OC-23/17 (Inter-Am. Ct. H.R.), para 60
[20] ibid
[21] , Case of the Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina, Merits, Reparations, and Costs, (Feb. 6, 2020) Judgment, Inter-Am. Ct. H.R. (ser. C) No. 420, para 208
[22]NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/>accessed 19 July 2026
[23] Segovia v. Climate Change Commission, 806 Phil. S.C. 1019 (March 7, 2017)
[24]NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/>accessed 19 July 2026
[25] ibid
[26]Vietnam Law on Environmental Protection, 2014 art. 4

commitments of international law, including the UN Framework Convention on Climate Change and the Convention on Biological Diversity (CBD).[27] Globally, courts have acknowledged the significance of aligning national and international legal frameworks with respect to the entitlement to a salubrious environment. This substantive element of the right to a healthy environment has been implemented by international law, which has been translated into state legislation. According to Turkmenistan's Law on Environmental Safety, standards and guidelines about environmental safety are created based on current scientific and technological advancements while also taking into consideration the requirements of international agreements and standards.[28]

2.2.2. Procedural Component

Procedural rights ensure adherence to specific procedures rather than results, which improves decision-making. Courts and legislators have improved the breadth of procedural protections under the right to a healthy environment globally. Procedural protections are further established by regional and international agreements on human rights and the environment. Treaties at the regional level, such as the Escazú Agreement and the Aarhus Convention,[29] emphasize procedural rights and protections. Under the right to a healthy environment, citizens have procedural rights domestically. These rights include access to courts, information access, participation in decision-making, and compensation for harm caused by breaches. The procedural contents can be discussed under the following heads-

a) Environmental Impact Assessments

Environmental Impact Assessments (EIAs) are an important tool for determining appropriate action when they want to do something that might harm the environment. They help governments make informed decisions about what actions to allow, like letting companies work on projects. When governments and businesses prepare and review EIAs, they must follow certain rules.[30] For example, the right to a healthy environment requires considering the risks to different parts of the environment. EIA standards are often set out in environmental protection laws, like the Law on the Environment and Natural Resources in the Dominican Republic and the General Rules of Environmental Protection in Hungary.[31]

[27] NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/>accessed 20 July 2026

[28] Turkmenistan Law on Ecological Safety (2017), ch. 5, art. 17(3) & ch. 6, art. 27(3)

[29] Aarhus Convention, 1998

[30] NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/> accessed 20 July 2026

[31] ibid

b) Access to Information

States and other parties need to make sure that people and communities can get information about the environment and actions that might affect it. This is specially important for groups that are already being affected by potential or ongoing actions.[32] Courts all over the world have upheld the right to a healthy environment to get environmental information, which shows how important this procedural protection is. The European Court of Human Rights, the Constitutional Court of Latvia, and the Supreme Court of Justice of Argentina have all shown that access to information is an important part of the right to a healthy environment. Putting this right into domestic law through legislation gives us a better understanding of what this legal right includes. Azerbaijan, Zambia, and Romania all have environmental rules that include access to information as part of the right to a healthy environment and environmental governance.[33]

c) Access to Justice and Effective Remedy

People have the right to a healthy environment, which means that courts can hear their claims of environmental violations and decide what to do. The Escazú Agreement is an important part of the process in Mexico, and courts see it as a violation for disregarding it.[34] There is a court in Latvia that says R2HE applies immediately and directly, and anyone can talk to the court about actions or inactions that violate this right.[35] Laws all over the world, like Bhutan's National Environmental Protection Act and Burkina Faso's Environmental Code, spell out and write down this part of the right to a healthy environment.

3. Prospects of the recognition of Right to a Healthy Environment: The UN Resolution in Focus

The first question here is, how effective can a UN resolution be for recognising a right internationally?

A United Nations resolution is an official decision or declaration made by the United Nations (UN) General Assembly, the UN Security Council, the UN Economic and Social Council, or other UN bodies and agencies.[36] The UN uses resolutions as a key tool to address a variety of issues, including those relating to human rights, development, and other global concerns.[37]

The UN General Assembly (UNGA) is the most prominent diplomatic and political entity within the United Nations, comprising 193 member nations. The organization serves as a platform for conducting multilateral diplomatic

[32] ibid
[33] ibid
[34] Escazú Agreement, 2018 art. 8
[35] The Constitution of Latvia, 2016, art 115
[36] United Nations, 'Resolutions' (2021) <https://research.un.org/en/docs/resolutions#:~:text=UN%20resolutions,in%20annual%20or%20sessional%20compilations> accessed 10 December 2023.
[37] ibid

negotiations and enacts resolutions that establish standards of international conduct. The United Nations General Assembly (UNGA) is the preeminent deliberative body, although it does not possess the highest level of authority.[38] The UN Security Council (UNSC) is primarily responsible for upholding global peace and security. Resolutions passed by the United Nations Security Council (UNSC) are legally binding, although resolutions of the General Assembly do not possess the same legal weight.[39]

General Assembly resolutions reflect the viewpoints of Member States, provide policy recommendations, delegate mandates to UN entities, and make decisions about the UN budget. Member States are not obligated to comply with them, except when it comes to making regular and peacekeeping budget payments.[40] Therefore, there are multiple scenarios that may occur after the adoption of this General Assembly resolution regarding the recognition of the right to a healthy environment as a human right.

3.1. Possible Scenarios After the Adoption of the UN Resolution

The UN resolution can have a variety of consequences. Several variables might change the outcomes. However, some possible scenarios are discussed here.

a. The resolution could serve as the basis for a novel international agreement or convention that would legally bind states that ratify it to uphold, safeguard, and fulfill the right to a sustainable and healthy environment. Securing the involvement and consent of several governments and other stakeholders is important for this endeavor. Furthermore, it would necessitate a protracted and intricate series of negotiations, ratifications, and implementations. Such a treaty or convention might encompass mechanisms for oversight, record-keeping, and responsibility as well as mechanisms for resolving conflicts and addressing breaches.
b. The resolution may also act as a stimulus for the creation of novel regional or sub-regional frameworks that consider the unique requirements and situations of different areas and states. For example, the American Convention on Human Rights includes an advisory opinion issued by the Inter-American Court of Human Rights concerning the right to a healthy environment.[41]
c. The resolution may also facilitate modifications to pre-existing accords addressing environmental issues, such as the Aarhus Convention, the Convention on Biological Diversity, and the UN Framework Convention on

[38]Thierry Tardy, 'Are UN resolutions effective?' (2023) <https://www.aa.com.tr/en/analysis/opinion-are-un-resolutions-effective/2958994> accessed 8 December 2023
[39] ibid
[40] ibid
[41] Maria Antonia Tigre, Natalia Urzola, Juan Sebastián Castellanos, 'A Request for an Advisory Opinion at the Inter-American Court of Human Rights: Initial Reactions' (2023) <https://blogs.law.columbia.edu/climatechange/2023/02/17/a-request-for-an-advisory-opinion-at-the-inter-american-court-of-human-rights-initial-reactions/> accessed 2 december 2023

Climate Change. This implies that the goals, responsibilities, and processes of these laws consider the concepts and standards of human rights, as well as the acknowledgment of the entitlement to a secure and enduring environment. This may entail promoting collaboration and coordination across different mechanisms, while also aligning and synchronizing them with the human rights framework.

d. Furthermore, the resolution may endorse the creation of novel soft law instruments that might provide guidance to governments and other parties for the implementation of the right to a sustainable and healthy environment. These instruments encompass declarations, principles, guidelines, standards, codes of conduct, and best practices. While these instruments may lack legal enforceability, they possess moral authority and persuasive influence that can impact the interpretation and implementation of legally binding documents. They can also serve as instruments for enhancing capabilities, educating, promoting awareness, and advocating.
e. Regarding the UN resolution that acknowledged the right to a healthy environment as a fundamental human right, eight nations abstained from voting: Belarus, Cambodia, China, Ethiopia, Iran, Kyrgyzstan, Russia, and Syria are among them. Although their justifications for not voting varied, they frequently stated the following:

Not all nations recognize the concept of a legal right to a healthy environment. Therefore, it can only be recognized through international agreements. Additionally, the resolution does not look at how different countries are developing, what they can do, or what their responsibilities are when it comes to environmental problems. Some countries' sovereignty and territorial integrity are violated by the resolution, which does not follow their own laws and rules. Last but not least, the resolution does not do enough to deal with the problems that cause the environment to get worse, like poverty, inequality, and patterns of production and consumption that cannot be sustained. Therefore, there remains a chance that some states will not take this resolution positively.

3.2. States' Challenges in Complying with the Current Form of UN Resolution

The UN resolution on the right to a healthy and sustainable environment has numerous potential benefits. However, the lack of a common understanding and clear definition of the nature and scope of the right can lead to confusion and inconsistent application of that right.[42] It is necessary to achieve a harmonious equilibrium between the right in question and other rights and interests, including the right to progress, the right to determine one's own destiny, and the right to

[42] Ke TANG and Otto SPIJKERS, 'The Human Right to a Clean, Healthy and Sustainable Environment' (2022) 6 Chinese Journal of Environmental Law 87

control natural resources.[43] There is also a challenge of measuring and assigning the harm done to the environment and how it affects human rights, particularly when pollution and damage happen as a form of transboundary harm.[44]

One obstacle that nations would confront is the difficulty of assuring the active involvement and representation of all parties in the decision-making and governance processes related to the environment, especially those who are marginalized and vulnerable.[45] There might also be a risk of facing legal, political, or economic sanctions or pressures from other States or actors that may oppose or undermine the recognition and realization of the right.[46] Last but not least is the lack of sufficient financial, technical, and institutional resources and capacities to implement the right, especially for the developing and least developed countries.

4. Utility of Human Rights Framework in Protection of the Environment

Having established what, the right to a healthy environment entails and how the UN resolution may shape its future path, it becomes necessary to step back and ask a more foundational question: why frame environmental protection in human rights terms at all? Environmental protection has historically been pursued through a separate body of international and domestic environmental law, and the recent shift toward a human rights-based approach demands justification.

Moreover, domestic environmental regulations are constrained by factors like state sovereignty, which restricts their geographic scope, and the difficulties states have when enforcing these regulations against strong multinational firms.[47] Though it has its own set of drawbacks, such as the absence of clear enforcement mechanisms or substantive requirements, international environmental law has the potential to make up for these shortcomings. But current environmental legislation does not appear to be able to address the systemic, long-term environmental issues. Political boundaries are irrelevant to environmental problems, as actions taken inside a country's borders might have disastrous consequences for other nations or international common areas.[48] Therefore, this section examines the utility of the international human rights framework in environmental protection.

a) International Law Does Not Emphasize Substance or Enforcement

Global awareness and capacity-building for environmental conservation have been greatly aided by international environmental law. However, its main shortcomings are that it solely binds state parties, gives minimal substantive

[43] ibid
[44] ibid
[45] ibid
[46] ibid
[47] Rebecca Bratspies, 'Do We Need A Human Right to a Healthy Environment?' (2015) 13 Santa Clara Journal of International Law 31
[48] ibid

responsibilities, and provides no recourse if violations occur.[49]

Generally, broad guidelines are outlined in multilateral environmental agreements as opposed to legally binding commitments.[50] The shortcomings of the agreement-based framework of international environmental law are brought to light by the Copenhagen COP78's inability to achieve legally enforceable promises to cut carbon dioxide emissions. Although it prevented a total collapse, the Copenhagen Accord did not provide a cogent global framework for the management of carbon emissions.[51]

With respect to the structure of international law, it can be difficult to respond to complicated environmental concerns, even in the face of overwhelming scientific data. This inaction can imperil peace and security on a worldwide scale.[52] Supporters of the environment are increasingly looking for alternatives to international law, such as the ban on classifying human-caused environmental disasters as violations of a person's or a nation's rights, in addition to treaty negotiations.[53]

b) Human Rights and the Environment are Interrelated and Interdependent.

Ensuring environmental safety, sanitation, health, and sustainability is essential for the fulfillment of human rights, such as the rights to life, health, food, water, and culture. In contrast, the incorporation of human rights, such as the rights to education, involvement, and compensation, can bolster sustainable development and the conservation of the environment.[54] Consequently, following in-depth deliberations that commenced in the 1990s, a human rights-based strategy to safeguard the environment is presently being embraced, supplanting environmental laws.

c) A Human Rights Approach can Provide Legal Protection and Remedies to the Victims of Environmental Harm

Environmental degradation and climate change can have detrimental impacts on human rights, especially for disadvantaged and vulnerable groups such as indigenous peoples, women, children, and those living in poverty. Implementing a human rights approach will help ensure that those responsible are held accountable and provide effective remedies to the affected individuals, such as compensation, restitution, rehabilitation, and measures to prevent similar incidents in the future.[55]

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[49] United Nations Environment Programme, *The Right to a Healthy Environment in Practice: A Decade Before the Courts (2015–2025)* (UNEP 2025) <https://www.unep.org/resources/report/right-healthy-environment-practice-decade-courts-2015-2025> accessed 27 July 2026

[50] Rebecca Bratspies, 'Do We Need A Human Right to a Healthy Environment?' (2015) 13 Santa Clara Journal of International Law 31

[51] ibid

[52] ibid

[53] Human Rights and the Environment, Joint Report of UNEP and OHCHR (June 19, 2012)

[54] Puneet Pathak, 'Human Rights Approach to Environmental Protection' (2014) 7 OIDA International Journal of Sustainable Development 17

[55] Office of the High Commissioner for Human Rights, 'About Human Rights and Environment' (2023)

d) A Human Rights Approach Can Foster Cooperation and Solidarity Among States and Stakeholders to Address Global Environmental Challenges

The human rights approach, grounded in the principles of fairness, impartiality, and the inherent worth of individuals, can provide a framework for states and other entities to fulfil their collective yet separate obligations in safeguarding both the environment and human rights. The human rights approach facilitates the cultivation of reverence for the rights and interests of present and future generations, while also fostering the amalgamation of the environmental, social, and economic aspects of sustainable development.[56]

5. The Impact of Recognition of a Right to a Healthy Environment in Bangladesh

Bangladesh, being a least developed country, has always struggled to ensure a healthy environment for its people. In the era of climate change, Bangladesh is facing constant environmental challenges that are creating obstacles in ensuring a sustainable livelihood for the citizens of the country. It is a nation that borders Myanmar and India. Low, level, and fertile land make up the majority of the nation, and its 310 rivers move about 1250 million units of water annually.[57] There is a range of 1400 mm to 4500 mm of yearly rainfall.[58] Bangladesh has abundant genetic resources for its flora and fauna due to its unique bioclimatic conditions and strategic placement at the meeting point of the Himalayan and Southeast Asian bioregions.

Bangladesh's environmental problems are rooted in poverty, illiteracy, and ignorance, just as they are in all other third-world nations. Every time a new development strategy is implemented, Bangladesh finds itself in a position where environmental damage is being done. The establishment of a clean, healthy, and sustainable environment has been viewed as an essential prerequisite for the realisation of many well-established and universally acknowledged human rights. Bangladesh is at risk of environmental damage on a global, regional, and national scale. Even though the global risks are remote, the national and regional threats cannot be overlooked. Geographical location as well as deforestation, the construction of various barrages and dams on the common rivers with India and Nepal, are causing floods and droughts in Bangladesh. Bangladesh's natural resources, like its forests, wetlands, and wildlife, depend on a healthy

<https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment> accessed 10 December 2023

[56] Puneet Pathak, 'Human Rights Approach to Environmental Protection' (2014) 7 OIDA International Journal of Sustainable Development 17

[57] Tahseen Lubaba, 'An Overview of Environmental Laws of Bangladesh' The Daily Star (Dhaka, 4 June 2019) <https://www.thedailystar.net/law-our-rights/news/overview-environmental-laws-bangladesh-1753360> accessed 2 December 2023

[58] ibid

environment. Besides, the vast majority of this country's population is also heavily reliant on nature for their livelihood and is helpless when they face a disturbance in the natural order.

International human rights instruments acknowledge the existence of fundamental human rights, including but not limited to the right to health, safe working conditions, adequate housing, and food. The present state of unsustainable development, including large buildings, mega dams, industrial facilities, mining operations, etc., is having a detrimental impact on a significant number of individuals, disregarding the social, economic, and cultural dimensions of their lives. The infringement of fundamental human rights, including the right to life, can be attributed to unsustainable development practices, which manifest in various forms such as the contamination of air and water, noise pollution, and the loss of biodiversity.

In the context of the prevailing challenging conditions, the right to a clean, healthy, and sustainable environment emerges as a vital need within the nation of Bangladesh. It functions as a legal and ethical mechanism to prevent unregulated environmental deterioration, guaranteeing the preservation of human rights, public health, and the welfare of coming generations. Ensuring the preservation of this right is vital in order to provide accountability for development initiatives and corporate entities, thereby promoting a society in Bangladesh that is both sustainable and equitable for all its citizens.

5.1. Bangladesh Constitution and Environmental Right

There is an implicit right to the environment in the Bangladesh Constitution. The right to a sound and healthy environment is not included in government legislation or the Bangladeshi Constitution, and neither document expressly guarantees environmental protection. In terms of environmental provisions in the constitutional design, the Indian framework appears more expansive than that of Bangladesh. While Article 48A enjoins the State to strive for the protection and improvement of the environment, Article 51A imposes a duty on every citizen to contribute to the preservation of the natural environment. However, similar to Bangladesh, the Indian Constitution lacks a specific substantive right to a safe environment. Consequently, both countries have embraced the approach of integrating environmental concerns into broader human rights frameworks. The case of M.C. Mehta v Union of India (2002) stands out as one of the most notable decisions, marked by the issuance of mandamus orders by the Court to monitor the State's compliance with its directives.

In Bangladesh, as long as the activities are legal, Article 31 guarantees every citizen's right to be shielded from actions that endanger their life, liberty, body, reputation, or property.[59] Article 32 protects the right to life by stating that no one

[59] The Constitution of Bangladesh 1972, art 31

may be deprived of their personal freedom other than in compliance with the law.[60]

It is unclear if the "right" to a healthy environment and to an environment that can foster the development of meaningful "existence of life" are included in the concept of "right" to life. The Appellate Division and the High Court Division took a comprehensive stance in two historic instances. In the case of Dr. Mohiuddin Farooque v. Bangladesh,[61] The Appellate Division argued that the protection of the environment, ecological balance free from pollution, and sanitation are all included in Articles 31 and 32 of the Constitution, which safeguard the right to life as a fundamental right. In the same case, the High Court Division declared that the right to fresh air and water, as well as a state of affairs that goes beyond simple human existence, are all part of the right to life.[62]

It seems that the right to a healthy environment has evolved into a basic right based on case law. However, due to judicial procedural obstacles, implementing environmental rights on par with basic rights has proven difficult. Bangladesh had no known Supreme Court decisions pertaining to environmental matters until 1994. In January 1994, BELA (Bangladesh Environmental Lawyers Association) filed the first case of this type. The issue of '*Locus Standi*' did not come up in any of the following Public Interest Litigations (PILs) pertaining to pollution preservation, public health, or environmental protection.

The famous FAP case (Dr. Mohiuddin Farooque vs. Bangladesh, 1995) raised the topic of whether the right to a healthy environment is a fundamental right by contesting the validity of a FAP experimental structure project. After being first denied by the High Court Division due to a lack of "standing," the petitioner (speaking on behalf of BELA) filed an appeal with the Appellate Division, which allowed them to determine the PIL's *Locus Standi*. The Appellate Division ruled in July that any member of the public who is harmed by a common wrong or a violation of their fundamental rights has standing.

Numerous organizations, including Bangladesh Mohila Ainjibi Samiti, Bangladesh Mohila Porishod, ASK, BLAST, BNWLA, and BELA, have filed PILs to address the problems of underprivileged sectors of the population since the liberalization of *Locus Standi* in 1996.[63] In Bangladesh, the right to a healthy environment became recognized as a fundamental right after certain Public Interest Environmental Litigation (PIEL) cases were settled in 1997. This right can now be enforced nationwide through PILs and other legal frameworks.[64]

Although there is no express right to the environment in Bangladesh's

[60] ibid, art 32
[61] Dr. Mohiuddin Farooque vs. Bangladesh & others (1996) 48 DLR 438.
[62] ibid
[63] Environmental Regulatory Regime in Bangladesh, (2004) 1st Edition (BELA and Ford Foundation: Dhaka International University: Dhaka)
[64] ibid

Constitution, the 15th amendment included provisions on environmental development and conservation within the guiding principles of public policy. Although this is a good thing, the state is now required to preserve and improve the environment, which includes safeguarding biodiversity, wetlands, wildlife, and natural resources (Article 18A).[65] It does not, however, create a person's right to a safe environment; rather, it is declared to be one of the cornerstones of public policy. Environmental protection is a constitutional obligation that applies to the state, its agencies, individuals, and legal entities. The administration did not make use of the fact that the courts already recognize the right to the environment as a fundamental right.[66]

5.2. The role of Judiciary

The judiciary in Bangladesh has played a significant role in shaping and upholding the right to a healthy environment. Over the years, judicial decisions have contributed to the recognition and protection of environmental rights.

The judiciary has expanded the scope of the constitutional right to life to include the right to a healthy and sound environment through interpretation of constitutional rights. The Supreme Court has interpreted Articles 31 and 32 of the Constitution to imply that every citizen has the right to live in a clean, safe, and sustainable environment that enables them to enjoy their other human rights.[67] Landmark cases like Dr. Mohiuddin Farooque vs. Bangladesh have seen the judiciary adopt a holistic approach, affirming that the right to life encompasses the protection and preservation of the environment, ecological balance, and sanitation.[68]

The judiciary has also recognized environmental rights as fundamental rights through Public Interest Litigations (PILs). PILs have been instrumental in bringing environmental issues to the forefront of judicial attention.[69] It has contributed to the recognition of the right to a healthy environment as a fundamental right in Bangladesh. It was explained that environmental issues are intertwined with fundamental human rights, and protection of the environment is essential for the meaningful enjoyment of life.[70]

The judiciary has also relaxed the rules of *Locus Standi* to allow any person or organization to file a writ petition on behalf of the public or the environment. The Supreme Court has accepted petitions from environmental activists, lawyers, and NGOs who have challenged various environmental violations and sought remedies.[71] Through decisions like the FAP case, the judiciary clarified that any

[65] The Constitution of Bangladesh 1972, art 18A
[66] ibid
[67] Gazi Saiful Hasan, Mahmudul Hasan Khan, 'access To Environmental Justice: An Analytical Study of Legal Framework in Bangladesh' (2013) 3 The Legal Analyst
[68] ibid
[69] ibid
[70] Jona Razzaque, 'Access to Environmental Justice Role of the Judiciary in Bangladesh' (2000)
[71] ibid

member of the public suffering a common wrong or invasion of fundamental rights has standing to bring environmental cases.

The judiciary has adopted and applied international environmental norms and standards, such as the principles of sustainable development, intergenerational equity, precautionary principle, and polluter pays principle. The Supreme Court has referred to these principles in several environmental cases and used them to guide its decisions and orders.[72]

The judiciary has the authority to review government policies and actions related to the environment, ensuring that they align with constitutional principles and environmental protection goals.[73] Issued various directions and orders to the government and other authorities to protect and restore the environment, such as banning hazardous activities, relocating polluting industries, declaring ecologically critical areas, and enforcing environmental laws and regulations. The Supreme Court has also monitored the compliance and implementation of its orders and imposed sanctions for non-compliance.[74]

Furthermore, judicial decisions have set legal precedents that establish principles for the protection of the environment and the enforcement of environmental laws. These precedents guide subsequent cases and provide a legal foundation for addressing environmental issues in the country.[75]

Currently, there exists two ways of getting environmental justice- through environmental court and through public interest litigation.

5.3. The Enforcement of Environmental Rights in Bangladesh: Environmental Court

The Environmental Court holds jurisdiction over cases concerning environmental pollution, and even if other laws cover environmental matters, such cases must be filed and resolved in these specialized courts.[76] The enactment of the Environment Court Act 2010 has established Environmental Courts in each district.[77]

This court operates with both civil and criminal jurisdiction. In its capacity as a civil court, it adheres to the Code of Civil Procedure 1908, authorizing it to issue preventive and remedial measures for environmental harm, as well as interim orders and temporary injunctions. For complaints related to offenses and the subsequent trial and disposal of such offenses, the court follows the Code of Criminal Procedure 1898.[78]

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[72] Mohammad Golam Sarwar, 'Making a case for Environmental Rule of Law in Bangladesh' The daily star (Dhaka, 8 June 2021) <https://www.thedailystar.net/law-our-rights/news/making-case-environmental-rule-law-bangladesh-2106989> accessed 2 December 2023

[73] ibid

[74] Jona Razzaque, 'Access to Environmental Justice Role of the Judiciary in Bangladesh' (2000)

[75] ibid

[76] Razzaque Jona, "Public Interest Environmental Litigation In India, Pakistan and Bangladesh" (2004) Kluwer Law International 396.

[77] Environment Court Act 2010, sec 4

[78] ibid, sec 6

The court wields substantial authority in prosecuting environmental crimes, including the imposition of imprisonment, fines, or both for violations.[79] It can also issue orders for compensation in cases of environmental injury and direct individuals to cease engaging in environmental wrongdoing.[80] The court is mandated to complete trials within 180 days, and if a case exceeds this timeframe, it must promptly notify the Environment Appellate Court within 15 days and finalize the case within an additional 90 days. If a case is transferred to another court, the resolution must be reached within 90 days.[81]

There are some drawbacks of the environmental court in Bangladesh. Take, for one, there are not enough courts established in the country at the moment. And the existing courts have a dual capacity. The judges presiding over the Environment Court lack specific knowledge or training in environmental law or science. However, such expertise is crucial, particularly for determining pollution levels that may constitute violations of environmental law. [82] The court also lacks the authority to initiate proceedings on its own to address environmental pollution and conduct investigations.

In Bangladesh, the majority of environmental cases are filed by non-governmental organizations (NGOs) as Public Interest Environmental Litigation (PIEL). Notably, BELA has initiated over 40 cases on environmental issues.[83] However, NGOs currently do not have access to the environmental court. Granting NGOs recognition and standing in the environment court, given their expert knowledge on environmental matters, could significantly enhance the court's effectiveness.

5.4. Public interest litigation

A notable change from Bangladesh's conventional legal system is the Public Interest Litigation (PIL), which enables private parties or public entities to challenge actions that break environmental rules. Only those who were harmed were previously able to pursue remedies, but the HCD has subsequently revised its position and recognized PILs as a useful instrument for halting environmental deterioration. PILs have gained popularity as a result of Bangladesh's weak environmental regulations, which can be confusing and hard to implement. Since NGOs lack access to courts and possess an in-depth understanding of environmental legislation, PIEL is widely used by NGOs to safeguard collective rights. Since PIEL has the power to obtain an injunction to force or prevent the government from destroying the environment, it is also crucial in situations where the government is hesitant to promote or protect the environment. By ensuring that laws are morally sound, PIEL closes gaps in the regulatory system that exist

[79] ibid, sec 8
[80] ibid
[81] ibid, sec 12
[82] Dr. Mohiuddin Farooque vs. Bangladesh & others (1996) 48 DLR 438.
[83] Razzaque Jona, "Public Interest Environmental Litigation In India, Pakistan and Bangladesh" (2004) Kluwer Law International 396.

between laws, policies, and the institutional framework.

The Code of Civil Procedure 1908 includes a mechanism for representative proceedings in addition to PIEL, which can be utilized to defend rights on behalf of impacted parties. However, because of the burdened lower courts and convoluted procedures, representative litigation can be laborious and complex. In Bangladesh, PIEL has emerged as the most well-liked and straightforward method for obtaining environmental justice.

6. UN Resolution and Bangladesh's Capability to Comply with It

Bangladesh is one of the countries that voted in favour of the UN resolution, as it has been facing many environmental challenges, such as climate change, air pollution, water scarcity, deforestation, biodiversity loss, and natural disasters.

Bangladesh has also been a party to several international and regional environmental treaties and conventions that recognize the right to a healthy environment, such as the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the SAARC Convention on Environment.

However, Bangladesh still faces some gaps and challenges in complying with the resolution and fulfilling its human rights obligations relating to the enjoyment of a clean, healthy and sustainable environment. Some of these challenges are discussed below.

The Constitution of Bangladesh does not explicitly provide for the right to a healthy environment either in the directive principles or as a fundamental right. Article 18A was included in the Constitution, but it has no enforceability. However, some provisions of the Constitution, such as Article 31 and Article 32, can be interpreted to imply the right to a healthy environment.

Again, the enforcement and monitoring of the environmental laws and policies in Bangladesh are weak, due to the lack of institutional capacity, resources, coordination, and political will. There are also cases of environmental violations and non-compliance with the court orders and directions. Therefore, it would become challenging for Bangladesh to comply with the UN resolution completely. Furthermore, the awareness and participation of the public and civil society in environmental decision-making and governance are low, and the role of environmental human rights defenders is not adequately acknowledged or protected. It is another challenge that Bangladesh might face.

But it is noteworthy to mention that Bangladesh already has obligations under ICESCR, which contains environment-related provisions. So this UN resolution will not be adding a new burden to the country; rather it may help to reinforce the previous obligations. The least that can be done is to take some measures to progressively realise the right.

7. Findings of the study

From the preceding discussions, it can be inferred that although the right to a healthy environment is currently recognized only through soft law, the prospect of a universally binding legal instrument on this right cannot be overlooked. This study shows several findings that have implications both for international law generally and for Bangladesh specifically. These findings concern the structural challenges that states, particularly developing and least developed countries, face in operationalizing the right, the unavoidable but uneven role of the judiciary in giving the right domestic effect, Bangladesh's evolving capacity to progressively realize its obligations under the resolution, and the persistent absence of a clear, universal definition and enforcement structure without which the right remains merely aspirational. The findings are discussed in turn:

7.1. Key Challenges That States Face in Implementing the Right to a Healthy Environment as a Human Right

The lack of universal recognition and definition of the right to a healthy environment in international law is one of the biggest challenges at this moment. Although more than 80 per cent of UN member states have recognized this right in their national laws or regional treaties, there is no global treaty or declaration that explicitly establishes this right. The UN Human Rights Council Resolution on the right to a healthy environment acknowledges it as a universal right, but it is not legally binding and does not provide a clear and comprehensive definition of the right.

The difficulty lies in balancing states' interests and responsibilities in the areas of the environment, society as a whole, and the economy. States are required to take into account how their environmental policies and activities affect several human rights, including the rights to participation, development, and self-determination. States must work with other states to address transboundary and global environmental challenges while still respecting their sovereignty and territorial integrity. States may have to choose between upholding their promises to protect the environment and other human rights and vice versa, particularly in light of poverty, inequality, and climate change.

Furthermore, states have to deal with a variety of environmental issues that have varying effects on different areas, industries, and demographic groups, such as pollution, biodiversity loss, natural catastrophes, and climate change. States must enact and put into action suitable and effective policies, laws, rules, standards, plans, programs, and initiatives to prevent, lessen, and address environmental harm. States must also guarantee accountability and transparency while keeping an eye on and assessing the results and effects of these initiatives. States may encounter institutional, political, financial, and technical obstacles and limitations in carrying out these responsibilities.

Furthermore, there are many LDCs and developing countries that lack the capacity and financial means to deal with environmental problems. The allocation of resources towards environmental conservation may face competition from other critical demands, such as poverty alleviation, healthcare, and education. insufficient ability, technology, and resources to handle environmental issues and fulfill environmental commitments. Numerous least developed countries (LDCs) and developing nations are susceptible to the effects of pollution, climate change, loss of biodiversity, and natural disasters; nevertheless, they lack the resources to prevent, lessen, and prepare for these dangers. They also struggle to transfer and get the technical, financial, and human resources needed to put environmental laws and regulations into practice.

Besides, because of the pressing requirements of their populations, they place a higher priority on economic growth and the reduction of poverty than environmental protection. They might compromise or disregard the environmental rights of their citizens, viewing environmental norms and laws as obstacles or liabilities to their growth ambitions.

7.2. Judiciary's Contribution in Bangladesh

The judiciary in Bangladesh has played a significant role in shaping and upholding the right to a healthy environment. Judicial decisions have contributed to the recognition and protection of environmental rights. The judiciary has expanded the scope of the constitutional right to life to include the right to a healthy environment. Notwithstanding notable advancements, barriers still exist in the recognition and upholding of the right to a healthy environment by the Bangladeshi judiciary. Obstacles related to procedure, court case backlogs, and the requirement for stronger enforcement tools are still areas that require improvement. The environmental courts in Bangladesh also lack the authority to initiate proceedings on their own to address environmental pollution and conduct investigations.

However, the judiciary's contribution to the nation's advancement of environmental justice and sustainability is still vital. The judiciary can contribute to ensuring the right to a healthy environment as a human right in Bangladesh in several ways. As it has the power to give directions to the legislative body, it can direct the government to make policies and laws and take initiatives to protect people from facing violations of this right. It can also help by issuing and monitoring various directions and orders to the government and other authorities to protect and restore the environment, such as banning hazardous activities, relocating polluting industries, declaring ecologically critical areas, and enforcing environmental laws and regulations.

7.3. Bangladesh's Capability to Comply with the UN Resolution on Right to a Healthy and Sustainable Environment

Another key finding of this paper is that Bangladesh has gained the capacity to comply with the UN resolution. A few years ago, there could have been an issue of being financially capable. But Bangladesh can progressively realise this right now. That's why Bangladesh voted in favor of the UN resolution, recognizing a universal right to a healthy environment. However, there are several challenges in complying with the resolution, including gaps in the constitutional recognition of the right to a healthy environment, weak enforcement and monitoring, environmental violations, low public awareness, and lack of public participation.

7.4. Lack of Proper Universal Guidelines

There is no proper definition of the right. Therefore, it is ambiguous which rights are included in the right to a healthy environment as a human right. For example, the right to drinking water, air, healthy habitation, etc. Different countries acknowledge the right differently. And there is no international cooperation in this regard among the countries. There are also no implementation bodies, implementation mechanisms, or institutions regarding this issue. In cases of violation of this right, what remedies could be provided are also not specified anywhere.

8. Recommendations and Conclusion

In recognising the right to a healthy environment as a human right, the whole world is moving at a fast pace. But there is no proper definition of this right. This can be addressed by legislation and policy that offer comprehensive and inclusive definitions of the protections connected to the right to a healthy environment. One such example is the Azerbaijani Law on Environmental Protection, which enumerates a number of rights for citizens, stateless individuals, and foreign nationals, including the ability to sue, the right to obtain accurate information, compensation for damages, and the ability to participate in environmental protection initiatives.[84] These elements and entitlements are also covered by other legislation in Ecuador, Estonia, Georgia, and Mozambique.[85] Legislation can additionally facilitate the efficient execution of the right by shielding environmental advocates from legal or administrative violations.[86]

To promote access to justice and ensure judicial oversight of government and corporate actions involving R2HE, proper guidelines need to be enacted. It takes time and effort to realize the procedural and substantive guarantees of the right to a healthy environment. Institutions, methods, and bodies committed to environmental governance therefore play a critical role in putting the right to

[84] NYU School of Law's Earth Rights Advocacy (ERA) and the Universal Rights Group (URG), "Unpacking the Right to a Healthy Environment: How national and regional laws and jurisprudence clarify the scope and content of the universal right" (July 11, 2023), available at <https://www.universal-rights.org/urg-policy-reports/unpacking-the-right-to-a-healthy-environment/> accessed on 20 July 2026

[85] ibid

[86] Azadeh Chalabi, 'A New Theoretical Model of the Right to Environment and its Practical Advantages' (2023) 23 Human Rights Law Review 1

environment into practice. Laws establishing R2HE all over the world create these particular organizations, entities, and processes, which can take many different shapes.

There need to be specific remedies as well. Legislation that outlines plaintiffs' remedies in R2HE claims can safeguard the right to a healthy environment. While Hungary and Uganda permit steps to rehabilitate the environment, Azerbaijan and Belarus allow compensation for harms. Noncompliance with environmental rules may result in fines in these countries. Laws like these need to be enacted on a universal platform.

Participation in decision-making processes depends on having access to knowledge regarding environmental threats. States must share information extensively and release reports on environmental indicators on a regular basis in order to raise public awareness.

Furthermore, the Bangladeshi Constitution should recognize the right to a safe and healthy environment. This will allow for better environmental protection and provide a solid foundation for the idea of environmental justice. Although PIEL is an essential weapon for environmental justice, it is not always possible to file a lawsuit in the HCD. At each district environmental court, measures can be implemented to enable individuals or non-governmental organizations to pursue environmental offenders.[87]

In conclusion, it can be said that the importance of recognizing the right to a healthy environment has been discussed for a long time by scholars. And finally, when the UN General Assembly recognized the right through a resolution, it became a landmark resolution for the whole world. Many possible scenarios might arise out of this resolution. There are many possibilities of significant changes in the realm of environmental protection as well as some challenges regarding the enforcement of the right. However, taking all of these into account, if some steps are taken, everyone would be able to peacefully enjoy a significant right to a healthy environment both as an individual and group right.

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[87] Badsha Mia, Kazi Shariful Islam, 'Human Rights Approach to Environment Protection: An Appraisal of Bangladesh' (2014) 22 Journal of Law, Policy and Globalization <https://core.ac.uk/download/pdf/234649793.pdf> accessed 5 December 2023