



# The Need for Human Rights Advocacy to Overcome Injustice: Lessons from the Environmental Justice & Climate Justice Movement

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## INTRODUCTION: OUR RIGHTS

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*We have been told over and over again by EPA officials that the industrial facilities around our community have a right to the environmental permits. But what about our rights!*

- Dorothy Felix,

*President of Mossville Environmental Action Now*

Dorothy Felix is a great-grandmother who lives in Mossville, a historic African-American community located in Southwest Louisiana. For several generations dating back to the 1800's, the rural community of Mossville has been home to the families of Ms. Felix and her neighbors. Mossville offered African-American families a safe haven from racial hostility. Elderly residents recall a time when the air in Mossville was healthy to breathe, the bayous and waterways were clean and full of fish, and the fertile soil produced vegetable gardens and fruit trees. Today, Mossville is a different place.

The U.S. Environmental Protection Agency (EPA) and other governmental agencies have issued permits that allow 14 industrial

facilities to operate in the Mossville area, allowing massive amounts of toxic pollution to be released into the air, water, and land. Mossville residents suffer from severe health problems associated with the toxic pollution. Governmental health studies show elevated levels of dioxins in the blood of Mossville residents, which are on average three times higher than that of the rest of the U.S. population. Other governmental reports reveal the correlation between the dioxins emitted by industrial facilities in the Mossville area, and the dioxins detected in the blood of Mossville residents. Dioxins comprise one of several pollutants released by surrounding facilities that are scientifically known to cause cancer. In addition, dioxins and other industrial toxins released in Mossville can

damage the human respiratory, digestive, and reproductive systems. These pollutants also disrupt the human hormone system, creating long-term health problems that can begin in the womb and last a lifetime.

The industrial facilities operating around Mossville also contribute to greenhouse gas emissions which are known to warm the planet. Located near the Gulf of Mexico, Mossville residents are particularly vulnerable to climate change effects of more intensive hurricanes, storm surges, as well as rising sea levels. Hurricane Rita, which followed Hurricane Katrina in 2005 and Hurricane Ike in 2008, displaced Mossville residents, damaged their homes, and exposed them to increased risks of industrial malfunctions and toxic exposures. This historic community is among major cities and small towns in Southern Louisiana that are placed in greater danger of hurricanes as a result of the extensive network of oil and gas pipelines that contributes to the destruction of more than 2,000-square miles of coastal wetlands – a natural buffer against hurricanes.

In her statement quoted above, Ms. Felix expresses her frustration with a governmental system that repeatedly confers to hazardous industries the legal right to harm communities in total disregard of the rights of the people living in the communities. She holds up “our rights” as something belonging to us as human beings that should be prioritized over the interests of hazardous industries. She sees “our rights” as having the power to overcome governmental actions that entitle industrial facilities to pollute the environment, thereby damaging human health, livelihoods, and communities. Her statement points to what is missing from this governmental system, the protection of basic human rights.

It is this personal and communal sense of “our rights” that motivated people to build a movement for environmental justice and that drives the current advocacy for climate justice. The movement unites Indigenous peoples, people of color, and poor people under the human rights-based demand to live, work, play, worship, and learn in an environment that is healthy and safe without distinction as to race, ethnicity, gender, class, or other forms of difference. The movement advances human rights to confront the governmental and economic disorder that sacrifices communities, wherein women and children bear the greatest burdens from toxic industrial facilities and transportation routes that harm human health and heat up our planet. In the battle for environmental justice and climate justice taking place in Mossville, Louisiana, on the ancestral lands of the First Nations in Alberta, Saskatchewan and the Northwest Territories, the Niger Delta (home to a half-billion Ogoni people), and the Zamora-Chinchiipe region of Ecuador, Indigenous peoples, people of color, and poor people are struggling to overcome and replace this disorder with protections for human rights.<sup>2</sup>



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## 2. RECLAIMING HUMAN RIGHTS AT HOME

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In the United States, advocating for human rights to overcome injustice has particular challenges. Social justice movements in the United States generally omit human rights in their strategies, communications, outreach, organizing, policy work, and litigation. Instead, most social justice advocacy in the United States focuses on promoting civil rights, which are the rights of citizens to fair and equal treatment from their government. Civil rights, however, are only a part of human rights—not the entire picture. Human rights include civil, political, economic, social and cultural rights. Human rights cannot be taken away by government because they are inherent to all people; by virtue of being human beings, we have these rights. Human rights are also universal; they belong to everyone regardless of where we live and the governmental structure under which we live. Human rights stipulate that all people should be treated fairly and equally not only by their governments, but also by corporations and private actors, in order to enjoy the rights that are necessary to ensure their dignity as human beings, such as the rights to self-determination, health and healthcare, food, shelter, education, equal pay for equal work, decent working conditions and wages, social security in times of need, and many others.

Advocacy for civil rights instead of human rights in the U.S. is not by happenstance, but the result of a power struggle dating back to the post-World War II era. As chronicled by Dr. Carol Anderson in her book, *Eyes Off the Prize*, at the center of this power struggle was the scope of the authority to be wielded by the then-nascent United Nations in protecting human rights around the world, including the prohibition of racial discrimination in the United States. The outcomes of this power struggle were establishing the United Nations with limited authority to protect human rights and suppressing human rights advocacy in the United States, which at the time targeted racial segregation and lynching. These outcomes are felt today as no federal statute relating to a human right recognized in the Universal Declaration of Human Rights (for example, laws on voting, judicial access, immigration, citizenship, criminal justice, employment, education, housing, and health) articulates the promotion of human rights or the prohibition of a human rights violation in the United States.

So great is the suppression of human rights in the United States that most U.S. residents cannot name any of the international laws (listed below) that are part of U.S. law and which oblige the U.S. Government to protect human rights. These laws establish mechanisms by which a person can seek to directly hold the U.S. Government accountable for human rights violations through the United Nations treaty-monitoring review process and the Organization of American States (OAS) petition process:

- American Declaration of the Rights and Duties of Man (accountability through the Organization of American States petition process),
- International Covenant on Civil and Political Rights (accountability through the United Nations treaty-monitoring review process),
- Convention Against Torture (accountability through the United Nations treaty-monitoring review process), and the

- International Convention on the Elimination of All Forms of Racial Discrimination (accountability through the United Nations treaty-monitoring review process).

Notwithstanding the suppression of human rights, social justice organizations are changing the landscape of advocacy in the United States by reclaiming human rights. These changes involve significant progress in raising consciousness and educating people about human rights, which has emboldened people, who have internalized human rights, to take action.

This paper examines the actions taken in the movement for environmental justice and climate justice that provide useful lessons on the power of uniting people under a shared articulation of the rights for which they are fighting. By embracing multiple fronts of struggle taking place in communities around these rights, advocates expose often complex governmental standards that violate these rights, while building local to international solidarity to push for the protection of these rights. The discussion that follows (1) analyzes the centrality of justice to the human rights framework; (2) describes the evolution of approaches taken by environmental justice advocates in the United States to secure rights; and, finally, (3) draws lessons from the environmental justice and climate justice movement on advancing human rights and working across fronts of struggle to achieve justice.

Woven throughout this paper are case studies and perspectives of environmental and climate justice advocates who have contributed to the development of this paper. The case studies and perspectives offer important insights for collective organizing and advocacy that focus on the whole human being and the whole community, e.g., advocacy for environmental justice that embraces voting rights, Indigenous rights, racial and ethnic justice, gender justice, reproductive justice, the right to health and healthcare, adequate and affordable housing, and workers' rights, among others. They also demonstrate the power of human rights to overcome injustice.

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### 3. HUMAN RIGHTS: THE RIGHT TO OVERCOME INJUSTICE

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Human rights spring from what is essential for a person to live with dignity. By virtue of being born, all human beings have human rights. Human rights are universal and cannot be limited by a country's borders. They are inalienable and cannot be separated from any human being. They are indivisible and interdependent and cannot be realized or enjoyed when some and not all human rights are guaranteed or protected. Any action that diminishes the dignity of human life is an injustice. Therefore, overcoming injustice is a central concept of the human rights framework.

The interdependency and indivisibility of human rights are reflected in the intersections of environmental injustice with other forms of injustice. For example, the environmental degradation of a community has adverse effects that are not limited to significant health problems and reduced life expectancy for the residents, but also interconnects with racial discrimination, substandard housing, poor education, low wages, unsafe working conditions, and displacement, among other negative effects. These consequences deny the residents their basic human rights to life, health, self-determination, freedom from racial discrimination, housing, education, fair working conditions, and freedom of movement and residence among other rights.<sup>3</sup> Thus, an unhealthy environment threatens all human rights. The cumulative environmental degradation taking place in communities extends to harming environments and people outside of those communities, thus expanding the violations of human rights.

Human rights are further defined by cultural knowledge, such as the concept advanced by Indigenous peoples that the lives of people cannot be separated from our living environment.

The universality of human rights is reflected in the work undertaken by environmental justice and climate justice advocates to build solidarity across country borders and develop shared strategies. These international strategies focus on protecting communities which often struggle with the violations and abuses of multiple human rights caused by multinational polluters.

Human rights are further defined by cultural knowledge, such as the concept advanced by Indigenous peoples that the lives of people cannot be separated from our living environment. This recognition is central to the work of Tewa Women United, an organization located in the Tewa homelands of Northern New Mexico, which is dedicated to Indigenous women becoming positive forces for social change in their families and communities. Beata Tsosie-Peña, who coordinates the

organization's environmental justice programs, explains that violence against Mother Earth also violates our human rights. In this regard, a healthy environment is necessary for the full enjoyment of human rights.

The Inter-American Commission on Human Rights (IACHR) of the Organization of American States is the regional human rights authority for 35 countries in North America, Central America, and South America. In its review of complaints by Indigenous communities that governmental authorizations for industrial mining operations damaged their environment and caused extensive harm to their lives and health, the IACHR synthesized two concepts of human rights as requiring the redress of an injustice that causes an unhealthy environment.

Conditions of severe environmental pollution, which may cause serious physical illness, impairment and suffering on the part of the local populace, are inconsistent with the right to be respected as a human being. . . . The quest to guard against environmental conditions which threaten human health requires that individuals have access to: information, participation in relevant decision-making processes, and judicial recourse.<sup>4</sup>

Kathy Sanchez of Tewa Women United focuses on the economic disorder that creates unhealthy environments for Indigenous peoples, people of color, and poor communities around the world. She advocates that in order to heal the damage done to our environment and bodies, we must heal our minds to reject the lies that promote the consumption of things derived from toxic and hazardous production, such as fossil fuels. There is significant environmental and human health damage caused by the extraction, transport, and refining of fossil fuels. The emissions of fossil fuels from cars, trucks, and other machines contribute to the greenhouse gases warming the planet with disastrous effects that include droughts and flooding. Yet, the consumption of fossil fuels continues to be promoted and used to endorse the increasingly dangerous extraction of fossil fuels from tar sands, areas that are 5,000 feet below the surface of oceans, and underground shale rock. According to Ms. Sanchez, "The corporate reduction of human beings to consumers denies the power that we have as life givers to love each other, to create, and to solve problems."

Ms. Tsosie-Peña expands on the role of this economic disorder in reducing our choices and opportunities to determine how we live and what we do. "Here in our communities, we are economically dependent on the industry that is destroying our ability to sustain ourselves in our center place, where we have existed since time immemorial," she explained.

*When a polluting industry is built next to an Indigenous, people of color, or poor community it takes advantage of the oppression of race and poverty that blocks people from demanding job creation that is consistent with their values and beliefs for their families, communities, and environment to be healthy and safe."*

*- Beata Tsosie-Peña, TEWA Women United*

The false choice between jobs and the environment is created by neoliberal policies. These policies impose a market transaction in which, for example, the price for polluting the air, water, land, and the bodies of people who reside in a community is offering a job to residents in a hazardous workplace. When a polluting industry is built next to an Indigenous, people of color, or poor community it takes advantage of the oppression of race and poverty that blocks people from demanding job creation that is consistent with their values and beliefs for their families, communities, and environment to be healthy and safe. Neoliberal policies place our communities on an auction block for polluters who damage our health and contribute to climate change. The demand for environmental justice and climate justice, which is interconnected with economic justice, rejects neoliberalism which drives the economic and governmental disorder subjecting people to the false choice of jobs or the environment in denial of basic human rights.

The concept that each person has the human right to a remedy for an unjust law that gives expression to governmental and economic disorder is vital to movement building on various fronts of struggle, including the struggles for environmental justice and climate justice. In these struggles occurring mostly outside of the United States, people are advancing human rights to protect their communities and prevent their governments from permitting industrial and military operations that shorten their lives, make them ill, poison their air, water, land, and food, and displace them from their communities (see Appendix A). These struggles are guiding people in the United States to develop strategies for implementing a legally enforceable framework for their human rights to livable communities and sustainable environments.

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#### **4. ENVIRONMENTAL JUSTICE, CLIMATE JUSTICE AND THE STRUGGLE FOR HUMAN RIGHTS IN THE U.S.**

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Environmental justice is the demand by Indigenous peoples, people of color, and poor people to live, work, play, worship, and learn in an environment that is healthy and safe without distinction as to race, ethnicity, class, or gender. Climate justice encompasses demands borne out of the recognition that climate change threatens Indigenous peoples, people of color, and poor communities the first and worst. Both environmental justice and climate justice are rooted in beliefs and cultures that respect the sacredness of life and living in harmony with our environment. The movement for environmental justice and climate justice is centered on shifting power to dismantle inequalities and oppression that sacrifice air, water, land, people, and communities to hazardous industrial operations, including military activities and transportation systems. The movement thrives on solidarity-building to create just and sustainable societies. Of particular note is the leadership of women in the movement for environmental justice and climate justice. Women are more vulnerable to the causes, effects, and responses to toxic exposures and climate change. However, women are less likely to be perceived as credible authorities on the environmental harms occurring in their communities and the world and are stigmatized as undeserving of disaster relief and healthcare. Mothers of color are further stigmatized as bearing responsibility for environmental disasters through propaganda that creates the myth of “overpopulation,” which ignores American and European societies that consume and waste most of the world’s resources. The leadership of women in shaping the movement for environmental justice and climate justice has sharpened the focus on the need to create a new paradigm for governance based on human rights in order to achieve a fair



and sustainable economy. It has also contributed to exposing the need for meaningful and effective participation in creating and preserving the development of diverse cultures and in governmental decision-making and public affairs centered on reproductive justice, food justice, workers' rights, healthcare, and quality education.

A milestone of the environmental justice movement was the mobilization of hundreds of advocates from the United States, Canada, and Central America to participate in the First People of Color Leadership Summit on the Environment in Washington, D.C. in October 1991. This summit was organized to harness the collective power of Indigenous peoples and people of color to navigate a path for dismantling environmental racism that predominantly white environmental organizations and governmental agencies were resistant to supporting. At the summit, Indigenous peoples, African Americans, Latinos, Asian Americans and Pacific Islanders gathered for three days to share their visions, develop collective strategies, and form networks for achieving environmental justice. The summit brought together people of color who were community organizers, youth advocates, public health experts, healers, scientists, researchers, lawyers, and public policy advocates. "The summit helped people to say, 'That's me!' when they listened to another person's struggle," said Alberto Saldamando of the Indigenous Environmental Network, which helped to organize the summit. "This is remarkable because there is so much historical and present-day oppression to divide us. We have to be conscious about it so that we can overcome internalizing these divisions. Our ability to prevail over governmental and economic forces that violate our human rights is as good as our ability to build and maintain solidarity. Although I didn't attend this summit, it was very important in that it did recognize that the struggle is too big and the adversaries too powerful for us to tackle alone," he explained. Central to the solidarity-building that began at the summit was affirming the rights of people. These rights are articulated in the Principles of Environmental Justice that summit participants developed along with the Call to Action. The Principles, presented in full in Appendix B, recognize that governmental acts of environmental injustice violate basic human rights. The Principles also affirm the following human rights:

- right to be free from ecological destruction;
- right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things;
- right to clean air, land, water, and food;
- right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation;
- right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment;
- right of those who work at home to be free from environmental hazards; and
- right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

Following the First People of Color Leadership Summit on the Environment, a delegation of environmental justice advocates were able to reach out to thousands of diverse peoples from around the world attending the United Nations Conference on Environment and Development

in Rio de Janeiro, Brazil, also known as the Earth Summit, in 1992. This event not only boosted the expansion of environmental justice advocacy globally, it also focused attention on the nexus between environmental protection and human rights. In countries as diverse as Pakistan and Canada, people are advancing the global development of human rights law that protects the right to a healthy and sustainable environment. This right comprises one or more specific human rights, including the rights to life, health, racial equality, self-determination, civic participation, culture, economic development, adequate standard of living, privacy and family life, and freedom of movement, among others (*see Appendix A*).

Advocates point to the gap between environmental and climate justice on one side and environmental law on the other. Mr. Saldamando explains that “environmental law is a roadmap for polluting corporations and governments that shows them the way to pollute and destroy our environment with impunity.” Currently, in the United States, there is no domestic law securing rights that ensure environmental justice or climate justice. The absence of such a law has not deterred environmental justice activism. In fact, it has ignited activism.

## **A. ENVIRONMENTAL JUSTICE AS A CIVIL RIGHT**

The birthplace of the environmental justice movement in the U.S. is the predominantly African-American, rural community of Afton, located in Warren County, North Carolina. Beginning in the late 1970’s, the people of Afton were outraged that the governor of North Carolina selected their community to be the site of a substandard landfill for the disposal of highly toxic Polychlorinated biphenyl (PCB)-laden waste. PCB is an oily substance that has several industrial uses. The toxicity of PCB gained international attention in the 1970s when health experts reported that over a thousand people in Japan who ate rice contaminated with PCB suffered from reproductive, stomach, liver, and neurological disorders as well as elevated rates of stomach and liver cancers. At the request of North Carolina officials, the EPA waived legal requirements in order to permit the disposal of PCB in Afton to get around the substandard and unsafe conditions posed by the landfill. The landfill was located on shallow ground over the only source of drinking water for Afton residents and provided no protection against PCB leaks. For six weeks in 1982, Afton residents and their allies, including civil rights organizations, marched in protest of the landfill and used their bodies to block trucks hauling PCB waste from entering the landfill. More than 500 people were arrested. They filed lawsuits against the government for permitting the landfill and also conducted a voter registration drive that mobilized a turnout of voters, who elected the first majority of African-American members on a county board of commissioners in North Carolina. However, it was not until 2003 that the landfill was finally closed after extensive decontamination by federal and state governmental agencies that cost \$18 million.

Afton residents awakened the nation to environmental protection as a civil rights issue in the 1980s. Dr. Benjamin Chavis, who was part of the Afton protests and later became the President of the National Association for the Advancement of Colored People (NAACP), coined and defined the term “environmental racism” as racial discrimination in environmental policymaking that results in the deliberate and disproportionate exposure of Indigenous peoples and people of color to toxic and hazardous environmental conditions. The Afton protests mobilized Indigenous peoples and people of color around the country in rural communities, tribal lands and reservations, and urban cities to speak out about environmental justice as a violation of civil rights.

The first civil rights case against environmental racism is *Bean v. Southwestern Waste Management Corporation* in 1979. African-American residents of Houston, Texas, filed a lawsuit in federal court to stop the opening of a solid waste landfill less than 2,000 feet from their homes and high school on the grounds that the environmental permit approved for the landfill was motivated, at least in part, by racial discrimination, which violated their civil rights. The federal court dismissed the lawsuit on the grounds that the African-American residents did not sufficiently prove that the discrimination was intentional. The *Bean* decision was rendered during a period of inconsistent judgments on whether courts can review civil rights claims that only allege and produce evidence of a discriminatory effect. This period lasted until 2001 with the U.S. Supreme Court’s decision in *Alexander v. Sandoval*.

With the *Sandoval* decision, the U.S. Supreme Court ended the debate on whether someone or group can make claims of discrimination on the basis of impact versus intent. The Supreme Court dismissed Martha Sandoval’s lawsuit against the Alabama Department of Motor Vehicles for administering English-only exams for driver’s licenses, which had the effect of discriminating on the basis of national origin, and thus favored English-only speakers. Although discrimination based on national origin is prohibited by Title VI of the Civil Rights of 1964, Justice Antonin Scalia, writing for the majority of five judges, interpreted Title VI as limiting judicial oversight to only claims alleging an intentional act of discrimination, not claims alleging a discriminatory effect or disparate impact.

The Supreme Court’s decision stands apart from universal human rights norms that prohibit all forms of discrimination, including intentional discrimination and discriminatory effect. The decision shut the doors of federal courts to environmental justice and other social justice advocacy claims of discriminatory effects as civil

“Environmental racism” is racial discrimination in environmental policymaking that results in the deliberate and disproportionate exposure of Indigenous peoples and people of color to toxic and hazardous environmental conditions.

rights violations.<sup>5</sup> Discriminatory effect is not hidden or difficult to observe, as there is a national pattern of environmental racism in which:

- African Americans are 79% more likely than whites to live in neighborhoods where industrial pollution is suspected of posing the greatest health danger;<sup>6</sup>
  - Indigenous peoples, African Americans, Latinos, Asian Americans and Pacific Islanders make up 69% of U.S. residents living in neighborhoods where there are two or more polluting facilities located in a cluster;<sup>7</sup> and
- people of color comprise 30% of the U.S. population,
- but comprise significantly more than half of all U.S. residents exposed to toxic pollution.<sup>8</sup>

Some environmental justice advocates have sought justice outside of federal courts by filing civil rights complaints of environmental racism with the EPA whose Title VI civil rights regulations, like all other federal departments and agencies, expressly prohibit both an intentional act of discrimination as well as an act of discriminatory effect. However, a 2011 audit revealed that justice delayed is justice denied at the EPA. According to the audit report, the EPA failed to take action on civil rights complaints that were filed as far back as 10 years ago.<sup>9</sup> In addition to the EPA's resistance to enforcing its Title VI regulations, the Sandoval decision puts into doubt its authority to prohibit a discriminatory effect. As is clear, U.S. law allows discriminatory effect to occur—with impunity, which is wholly contrary to human rights laws and norms.

## **B. ENVIRONMENTAL JUSTICE AND CLIMATE JUSTICE AS POLICY**

Five years after the Afton protests, the United Church of Christ Commission on Racial Justice commissioned the report, *Toxic Wastes and Race in the United States* (1987). This seminal study demonstrated that the permitting of a hazardous waste landfill in Afton was part of a “clear national pattern of racial discrimination.” The findings in the report revealed that:



race

race proves to be more significant than socioeconomic status as a determining factor on the location of commercial hazardous waste facilities;

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three out of five Blacks and Latinos live in communities with uncontrolled waste sites; and

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approximately half of all Indigenous peoples, Asian Americans, and Pacific Islanders live in communities with uncontrolled waste sites.

Twenty years after the report, researchers found that the racial disparities have not changed.<sup>10</sup> The 1987 Toxic Wastes and Race Report included a recommendation, modeled after the Afton example, for community organizations to register voters and prioritize the issue of toxic facilities in Indigenous peoples and people of color communities on federal, state, and local legislative agendas. The recommendations for establishing federal environmental justice policies and offices were adopted as a campaign promise by then-presidential candidate Bill Clinton, who fulfilled the promise.

In 1994, President Clinton signed Executive Order #12898 on Environmental Justice, which established environmental justice offices in various federal departments and agencies and instituted a federal environmental justice advisory committee whose membership included Indigenous people and people of color from communities harmed by toxic facilities.<sup>11</sup> These policies and offices were pivotal to communities of color winning important environmental justice victories. They also directed numerous federal, state, and local agencies to establish environmental justice policies and guidelines for public participation, permitting, rulemaking, facility inspection, and enforcement.

However, no executive order establishes a right or has the force of law, and guidelines are not legal mandates. As presidential, gubernatorial, and mayoral administrations changed, environmental justice policies have lost their efficacy.

### **C. ENVIRONMENTAL JUSTICE AND CLIMATE JUSTICE AS HUMAN RIGHTS**

The Principles of Environmental Justice affirms human rights in terms that are specific to envisioning environmental justice. The environmental justice movement has made important steps towards realizing human rights. Although not exhaustive, three of these steps are discussed below.

#### *Step one: Expose the injustice in governmental standards*

Naeema Muhammad of the North Carolina Environmental Justice Network (NCEJN) points out the injustice of laws that compel people who have few resources to scientifically prove that their health is being damaged by permitted polluting facilities. For those lucky enough to establish scientific evidence of harm, the evidence will always be dismissed, she explains. She holds

up, as an example, her organization's work with a doctor of epidemiology. The epidemiologist researched the health impacts of human exposure to the excrement of 10 million hogs crammed into buildings (called "concentrated animal feeding operations" or CAFOs) that vent and flush hog waste into the air and water of predominantly African-American communities. The effects included high blood pressure, nausea, and upper respiratory ailments. Even though the research was published in an environmental and health science journal and recognized by the U.S. National Institutes of Environmental Health Science, Ms. Muhammad explained that "governmental officials and pork industry representatives of Smithfield Foods, which controls the CAFO industry in North Carolina, called the health research junk science." However, following the health studies, state legislators enacted a moratorium on CAFOs that restricted the expansion of the hog industry into "new" areas, thereby protecting predominantly white communities from CAFOs, while subjecting predominantly African-American communities to the expansion of existing CAFOs.

NCEJN works with a coalition of organizations advocating for our government to adopt the Precautionary Principle, which addresses the concern expressed by Dorothy Felix regarding "our rights." Endorsed by the 1992 Earth Summit, the principle provides that when the health of humans and the environment is at stake, the lack of full scientific certainty shall not be used as a reason to delay or restrict action to avoid or prevent threat. The principle also shifts the burden of proof to proponents of an action or policy to demonstrate that the action or policy is not harmful. In other words, a corporation or third party needs to prove unequivocally that its operations will not have a negative human or environmental impact. NCEJN also endeavors to establish environmental standards that require the protection of human health as defined by the World Health Organization since 1948: "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."

Tewa Women United works to abolish the "reference man standard." This standard is used by governmental authorities, including the U.S. Department of Energy (DOE) in its assessment of the risk of cancer and other illnesses from exposure to the radiation and toxic pollution released by its nuclear sites. One of these sites, the DOE's Los Alamos National Laboratory in New Mexico, designs nuclear weapons on the ancestral lands of the Tewa Pueblo Peoples. The close proximity of the DOE laboratory to the Tewa Pueblo Peoples creates significant public health problems from exposure. These health problems are more severe among infants and women, who are, respectively, three times as likely and twice as likely as men to develop cancer from exposure to a single dose of radiation.<sup>12</sup>

However, the health risks of radiation and toxic exposures are overlooked by the "reference man standard," which is based on a 20-30 year-old Caucasian male who weighs 154 pounds and stands at 5 feet 7 inches. This standard bears no relation to those exposed to the Los Alamos National Lab's radiation and toxins, who are the unborn, babies, children, men and women of varying ages, weights, and heights. Additionally, the "reference man standard" is based on a young Caucasian male who practices Western European or North American habits and customs, which are different from traditional Native ceremonies and customs, such as the provision of food by growing, hunting, gathering, and fishing. Unlike the "reference man," the traditional practices of the Tewa Pueblo Peoples put them in direct and long-term contact with

their environment. Thus, their exposure to radiation and toxic pollution in the environment is more extensive than that of a person who meets the “reference man standard.” Additionally, the “reference man standard” ignores both the scientific fact that babies, children, and the elderly are more vulnerable to toxic exposures than adults, and the reality that long-term exposures to radiation and toxic pollution have multiple, synergistic, and cumulative impacts on human health. The DOE’s “reference man standard” functions to maintain the operations of dangerous nuclear facilities by ignoring the severe health problems suffered by people exposed to radiation and toxic pollution. Ms. Tsosie-Peña explains that Tewa Women United’s campaign to abolish the “reference man standard” is part of dismantling the disorder that causes human suffering from environmental destruction.

*Step two: Hold our government accountable for failure to protect human rights*

The community organization, Mossville Environmental Action Now (MEAN), and its partner organization Advocates for Environmental Human Rights (AEHR), have put the U.S. Government

Central to the Commission’s decision to accept the Mossville human rights case was its remarkable finding that, notwithstanding the arguments on behalf of the U.S. Government submitted by both the Bush and Obama Administrations, there is no remedy to be found in U.S. courts for the violation of the rights to racial equality and privacy resulting from environmental laws.

on trial for establishing environmental laws that entirely disregard the protection of human rights. On behalf of MEAN and Mossville residents, AEHR filed a human rights complaint with the Inter-American Commission on Human Rights (IACHR) of the Organization of American States, which has the jurisdiction to review complaints of human rights violations by the U.S. Government. The complaint charges the U.S. Government with violating the human rights of Mossville residents and similarly-situated people across the nation. Environmental permitting laws are shown in the complaint to allow the violation of the human rights to life, health, racial equality, and privacy as it relates to the security of one’s home. As a member of the OAS, our government has the duty to protect these and other human rights in the American Declaration on the Rights and Duties of Man. The work of Indigenous peoples in Central and South America to bring human rights complaints to the IACHR has resulted in the IACHR rendering consistent decisions that find member countries responsible for human rights violations arising from non-existent, inadequate or ineffective environmental laws. These decisions are central to the Mossville human rights complaint and request for remedie.

On March 17, 2010, the IACHR made history by taking jurisdiction over the Mossville (LA) human rights case—its first case of environmental racism in the United States. The ruling gives Mossville residents their day in court, so to speak, to make the case to the IACHR for human rights remedies that close the gap between environmental law and environmental justice in the United States. The Mossville case has opened the door for other environmental justice

groups in the U.S. to seek human rights remedies before the IACHR. The ruling by the IACHR affirms that U.S. law is insufficient for addressing environmental human rights violations. The ultimate decision by the IACHR may result in recommendations for the U.S. Government to implement in order to protect the human rights of people harmed by environmental racism. It is noteworthy that IACHR recommendations to governments of other countries have consistently been supported by the U.S. House of Representatives and Senate, where members beholden to different political ideologies have called for legislative endorsement of the IACHR decisions.

*Step three: Take action in response to new threats*

Environmental justice advocates are fighting against a new generation of neoliberal policies that promote false solutions for climate change. These false solutions are derived from market-based strategies that involve the taking of Indigenous lands for the purpose of selling the speculative carbon absorption of trees and vegetation grown on the lands to oil companies and other industries that release carbon dioxide into the atmosphere, which contributes to climate change. The Indigenous Environmental Network reports that there are hundreds of pilot projects showing that the taking of land to trade for carbon emissions will cause social unrest and brutal human rights violations on several continents. Alberto Saldamando described the effect of California's adoption of this false solution, known as cap and trade: "Cap and trade means that Chevron could increase the already massive amount of pollution its oil refinery releases in the African-American community of Richmond, California, after obtaining carbon emission credits from traders who have evicted forest-dwelling Indigenous peoples from their lands in Chiapas, Mexico, and Acre, Brazil." Mr. Saldamando points to the absurdity of looking for solutions within the free market to climate change, when climate change is the result of a free market failure that has contributed to the deaths of 400,000 people per year, cost the world more than \$1.2 trillion dollars per year, and wiped out 1.6% annually from the global gross domestic product.<sup>13</sup> Environmental justice advocates note that recent negotiations under the United Nations Framework Convention on Climate Change have not resulted in any mandatory reductions in greenhouse gas emissions. "We live in a country that is the number one emitter of greenhouse gases on a per capita basis. Instead of meaningfully reducing greenhouse gas emissions to mitigate climate change, our government currently promotes the false market-based solution of "cap and trade," which exacerbates human rights violations for people who are victimized on both ends of the 'cap and trade' scheme," explained Mr. Saldamando.

Dr. Jalonne White-Newsome, who coordinates the development of policies advanced by WE ACT for Environmental Justice in New York, is concerned that policies are being developed to address climate change without the participation of communities who are on the front lines of the causes, effects, and responses to climate change, and are thereby best-equipped to identify solutions. "Policymaking on climate change is dominated by energy lobbyists and national environmental organizations. We formed the Environmental Justice Leadership Forum on Climate Change to amplify community voices and organize people to advocate for standards that achieve climate justice," she explained. She emphasized that a clean air standard is integral to climate justice, because greenhouse gases cannot be reduced in a vacuum but must be part of an overall strategy to reduce pollution that causes asthma, cancer, reproductive damage, and other health problems. Climate justice also focuses the efforts of WE ACT on advocacy for necessary resources to meet the recovery needs of communities devastated by Super



Storm Sandy that have no legal right to these resources. The Environmental Justice Leadership Forum includes organizations in the Gulf Region of the United States, who, in the aftermath of Hurricane Katrina, were supported by the US Human Rights Network in advocating for governmental adoption of human rights-based standards known as the UN Guiding Principles on Internal Displacement. This standard is being advanced by groups to ensure the adaptation and recovery of people and communities vulnerable to climate change effects.

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## 5. CONCLUSION: THE POWER OF HUMAN RIGHTS

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As recognized by Dorothy Felix, Afton, North Carolina residents, and the diverse people who assembled at the First People of Color Leadership Summit on the Environment, a human rights-based approach is needed to achieve environmental justice. Dr. Jalonne White-Newsome underscores this point: “Environmental laws, and all laws for that matter, should protect human rights in order to prevent and remedy environmental injustice.”

The trajectory of the environmental justice movement in the U.S. offers important lessons on the power of human rights to overcome injustice. Although not exhaustive, the lessons highlighted in this paper that are useful for other social justice movements are as follows:

- bringing people together to affirm their dignity and human rights, and unite in the work of justice;
- identifying that which is sacred in the specific work for justice;
- developing analyses of the motivations of governments, corporations, and institutions that perpetuate injustice;
- exposing and documenting laws and practices that allow human rights violations; creating and finding opportunities to hold our government accountable for human rights violations; and
- learning human rights in order to be responsive to new threats to such rights.

Another assessment of the power of human rights advocacy can be gleaned from efforts that are hostile to human rights protection. For example, in the aftermath of causing the worst oil spill in U.S. history in 2010, BP launched a public relations campaign to control how people think about its handling of the disaster. Following advocacy that publicly exposed BP’s plot to limit the recovery of Gulf residents as an abuse of human rights, the multinational corporation instituted defensive measures. For the first time, BP created the position of “human rights manager” whose job description entails “managing” and “controlling” human rights issues related to all of BP’s activities. BP’s strategy to manipulate what is and is not a human rights issue goes beyond mere public relations. It presents a disturbing glimpse of how BP and perhaps other corporations and institutions view the power of human rights advocacy in the U.S. to compel change as a threat.

Dr. Jalonne White-Newsome of WE ACT for Environmental Justice stresses that the best way to counter efforts to derail human rights advocacy is to expand human rights education, especially among social justice advocates. “It’s up to us to know and explore how human rights can be applied effectively to protect our communities,” she explains. She urges that human rights education be used to create opportunities for strategic engagement at all levels of government and across diverse social and cultural sectors to recognize and protect human rights.<sup>14</sup>

The movement for environmental justice and climate justice demonstrate the power of human rights to unite people under shared principles. The human rights framework supports the work of connecting to other fronts of struggle to deepen and build solidarity. Exposing injustice mobilizes people to continuously find new paths for achieving justice that are centered on the protection of basic human dignity and equality. The advocacy undertaken by the environmental justice and climate justice movement demonstrate the power of human rights to overcome injustice.

# Notes & Sources

1. This resource was written by Monique Harden, Advocates for Environmental Human Rights, on a consultative basis for the US Human Rights Network. The development and completion of the document was made possible because of the expert support and guidance of an advisory group. Members of the group provided substantive information on the topic, verbal and written feedback on various drafts of the document, and other key support for completing this resource. Advisory members included Dorothy Felix, Mossville Environmental Action Now, Shana Griffin, Women's Health & Justice Initiative, Naeema Muhammad, North Carolina Environmental Justice Network, Alberto Saldamando, Indigenous Environmental Network, Corinne Sanchez, Tewa Women United, Kathy Sanchez, Tewa Women United, Beata Tsosie-Peña, Tewa Women United, Dr. Jalonne White-Newsome, WE ACT for Environmental Justice. Additional support for completing this document came from US Human Rights Network (USHRN) national education coordinator, Yolande Tomlinson, Ph.D., and USHRN intern, Sara Thorpe.

2. See Appendix A, International & Regional Precedents Requiring Governments to Ensure Environmental Conditions Are Protective of Human Rights.

3. See Appendix C, Excerpt from the U.S. Human Rights Network's Report on the Detroit Human Rights Training & Tribunal, which documents how social justice advocates in Detroit, Michigan, define the rights they are fighting for on intersecting fronts of struggle and how the U.S. Government is obligated by human rights laws to protect these rights.

4. IACHR, Report on the Situation of Human Rights in Ecuador, Chapter 8, April 24, 1997, available at <http://www.cidh.oas.org/countryrep/ecuador-eng/chaper-8.htm>.

5. The Supreme Court removed a remedy for the environmental justice claim that challenges the issuance of a pollution permit, which is typically based on environmental laws and regulations that do not mention race, but result in a discriminatory effect.

6. David Pace, More Blacks Live with Pollution: AP Analysis of U.S. Research Shows Blacks More Likely to Live with Dangerous Pollution, Associated Press (December 2005), [http://www.nbcnews.com/id/10452037/ns/us\\_news-environment/t/minorities-suffer-most-industrial-pollution/#.UhfCx6wphyU](http://www.nbcnews.com/id/10452037/ns/us_news-environment/t/minorities-suffer-most-industrial-pollution/#.UhfCx6wphyU).

7. Dr. Robert Bullard, et al, Toxic Wastes and Race at 20: 1987-2007, United Church of Christ, (March 2007), [http://](http://www.ucc.org/justice/pdfs/toxic20.pdf)

[www.ucc.org/justice/pdfs/toxic20.pdf](http://www.ucc.org/justice/pdfs/toxic20.pdf).

8. Ibid.

9. Deloitte, Final Report: Evaluation of the EPA Office of Civil Rights, March 21, 2011, [http://www.epa.gov/epahome/pdf/epa-ocr\\_20110321\\_finalreport.pdf](http://www.epa.gov/epahome/pdf/epa-ocr_20110321_finalreport.pdf). Notwithstanding the backlog of civil rights complaints, the EPA has only made decisions on two complaints that have been widely criticized for the failure to find and remedy the violation of civil rights.

10. See endnote 7.

11. Executive Order No. 12,898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Feb. 11, 1994. The full text of the order is available here: [http://www.epa.gov/fedfac/documents/executive\\_order\\_12898.htm](http://www.epa.gov/fedfac/documents/executive_order_12898.htm)

12. Nuclear Information and Resource Service, Women & Children Require More Protection from Ionizing Radiation than Men, <http://www.nirs.org/radiation/radiationharm2pg.pdf>.

13. DARA, Climate Vulnerability Monitor: A Guide to the Hot Calculus of a Cold Planet, 2nd Edition, 2012, <http://daraint.org/climate-vulnerability-monitor/climate-vulnerability-monitor-2012/data/>

14. Government accountability is an essential component of ensuring, protecting and fulfilling human rights. The US Human Rights Network and other partners, as members of the Human Rights at Home (HuRAH) Campaign, are working to put in place such accountability measures. Their goals include: the establishment of a federal interagency working group to ensure coordination and compliance with human rights standards across the government; the reformation of the U.S. Civil Rights Commission to become an independent civil and human rights body responsible for monitoring and investigating rights violations; the promotion of human rights education and compliance among state and local governments to strengthen their capacity to apply the human rights framework; as well as, the adoption of a national plan of action to achieve racial justice, as consistent with the International Convention on the Elimination of All Forms of Racial Discrimination, which the U.S. has accepted as law. To learn more about the HuRAH campaign, visit <http://www.ushrnetwork.org/our-work/campaign/human-rights-home-campaign>.

# Appendix A (part 1 of 2)

## International & Regional Precedents Requiring Governments to Ensure Environmental Conditions Are Protective of Human Rights

Human Right	Application of Human Right to Remedy/Prevent Environmental Injustice	Legal Authority
Right to life	Permission by Canadian government to store radioactive waste near residential homes raises issues regarding the government's obligation to protect the human right to life.	UN Human Rights Committee, EHP v. Canada, 1980
Right to life, Right to health, Right to residence and freedom of movement	Permission by government of Brazil to construct a highway and conduct hazardous mining activities on the Indigenous land of the Yanomami people violated their rights to life, health, residence and freedom of movement.	Inter-American Commission on Human Rights, Yanomami v. Brazil, 1985
Right to health	The failure of government of Zaire to provide safe drinking water violates the human rights to health.	African Commission on Human and Peoples' Rights, Free Legal Assistance Group and Others v. Zaire, 1995
	Permission by government of Ecuador to allow oil exploitation activities contaminated the water, air and soil, thereby causing the people of the region to become sick and to have a greatly increased risk of serious illness, including skin diseases, rashes, chronic infections, and gastrointestinal problems. In addition, many claimed that pollution of local waters contaminated fish and drove away wildlife, threatening food supplies.	Inter-American Commission on Human Rights, Report on the Human Rights Situation in Ecuador, 1997
Right to racial equality Right to freedom from discrimination	Australian law regarding mining rights put Indigenous title to land at a disadvantage regarding mining rights pursued by the Australian government and third parties.	UN Cmte. on Elimination of Racial Discrimination, Decision on Australia, 1999
	Recommending that Colombian government consider the environmental and socio-economic impacts on of its land development and resource exploration on the rights of Indigenous and Afro-Colombian communities	UN Cmte. on Elimination of Racial Discrimination, Consideration of Reports, Comments and Information: Colombia, 1999
	Recommending that Slovakian government take action to prevent the high exposure to environmental pollution in Roma settlements.	UN Cmte. on Elimination of Racial Discrimination, Concluding Observations on Slovakia, 2001
	U.S. Government violates the racial equality by denying an Indigenous group the same property rights that are afforded to non-indigenous people.	Inter-American Commission on Human Rights, Mary and Carrie Dann v. United States, 2002



# Appendix A (part 2 of 2)

Human Right	Application of Human Right to Remedy/Prevent Environmental Injustice	Legal Authority
<p>Right to freedom from discrimination,</p> <p>Right to life,</p> <p>Right to property,</p> <p>Right to health,</p> <p>Right to family protection,</p> <p>Right to benefit from natural resources free from foreign economic exploitation, and</p> <p>Right to environment favorable to human development</p>	<p>The military government of Nigeria caused the destruction of the Ogoniland by permitting private actors and oil companies to devastate the well-being of Ogonis in violation of its duty to protect human rights.</p>	<p>African Commission on Human and Peoples' Rights, Social and Economic Rights Action Center and Center for Economic and Social Rights v. Nigeria, October 2001</p>
<p>Right of ethnic, religious, and linguistic minorities to enjoy their own culture, to profess and practice their own religion, or to use their own language</p>	<p>Government of Canada's permission of oil and gas extraction on the land of Indigenous people threatened their way of life and culture in violation of their human right</p>	<p>UN Human Rights Committee, Bernard Ominayak and the Lubicon Band v. Canada, 1990</p>
<p>Right to privacy (respect for home, security of home, private life, and family life)</p>	<p>Government of Spain failed to protect the human right to respect for home and private and family life by allowing a tannery waste facility to release toxic pollution near homes. (Recognizing that "severe environmental pollution may affect individuals' well-being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely, without, however, seriously endangering their health.")</p>	<p>European Court of Human Right, Lopez v. Ostra, 1994</p>

# Appendix B

## PRINCIPLES OF ENVIRONMENTAL JUSTICE

WE THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to insure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of

Environmental Justice.

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. Environmental justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
6. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.
8. Environmental justice affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
9. Environmental justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and the United Nations Convention on Genocide.
11. Environmental justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. Environmental justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. Environmental justice opposes the destructive operations of multi-national corporations.
15. Environmental justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. Environmental justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.

# Appendix C (part 1 of 3)

EXCERPT from the U.S. HUMAN RIGHTS NETWORK’S REPORT on the DETROIT HUMAN RIGHTS TRAINING & TRIBUNAL August 2012

The Rights We Are Fighting For	Human Rights Laws That Protect These Rights
<p>The right to a remedy for discrimination and unequal protection</p>	<p>Convention on the Elimination of All Forms of Racial Discrimination, Article 6: “States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”</p> <p>Covenant on Civil and Political Rights, Article 2(1): “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. . . . Article 2(3): Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.”</p>
<p>The right to a decent standard of living</p>	<p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e): “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . (i) the rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration; (ii) the right to form and join trade unions; (iii) the right to housing; (iv) the right to public health, medical care, social security and social services; (v) the right to education and training. . . .”</p> <p>American Declaration of the Rights and Duties of Man, Article XIV: “Every person has the right to work, under proper conditions, and to follow his vocation freely, insofar as existing conditions of employment permit. Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family.” Article XVI: “Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.”</p>

# Appendix C (part 2 of 3)

The Rights We Are Fighting For	Human Rights Laws That Protect These Rights
The right to clean air, water, and land	<p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e) (iv): "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . the right to public health . . ."</p> <p>American Declaration of the Rights and Duties of Man, Article XI: "Every person has the right to the preservation of his health . . ."</p>
The right to be free from toxic pollution and corporate oppression	<p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e) (iv): "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . the right to public health . . ."</p> <p>American Declaration of the Rights and Duties of Man, Article XI: "Every person has the right to the preservation of his health . . ." Article XXIX: "It is the duty of the individual so to conduct himself in relation to others that each and every one may fully form and develop his personality." Article XXXV: It is the duty of every person to cooperate with the state and the community with respect to social security and welfare . . ."</p>
The right to quality education	<p>American Declaration of the Rights and Duties of Man, Article XII: "Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity. Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society. The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide. Every person has the right to receive, free, at least a primary education."</p> <p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e) (v): "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . the right to education and training . . ."</p>
The right to universal health care	<p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e) (iv): "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . (iv) the right to . . . medical care . . ."</p> <p>American Declaration of the Rights and Duties of Man, Article XI: "Every person has the right to the preservation of his health through sanitary and social measures relating to . . . medical care, to the extent permitted by public and community resources."</p>

# Appendix C (part 3 of 3)

The Rights We Are Fighting For	Human Rights Laws That Protect These Rights
<p>The right to a healthy mind, body and spirit that includes restoration and healing for the individual as part of a community</p>	<p>American Declaration of the Rights and Duties of Man, Article XI: "Every person has the right to the preservation of his health . . . ." Article XIII: "Every person has the right to take part in the cultural life of the community . . . ."</p> <p>Covenant on Civil and Political Rights, Article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."</p>
<p>The right to having a say in decisions affecting my community and my way of life</p>	<p>American Declaration of the Rights and Duties of Man, Article XX: "Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives . . . ."</p> <p>Convention on the Elimination of All Forms of Racial Discrimination, Article 5(c): "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of . . . the right to . . . take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service."</p> <p>Covenant on Civil and Political Rights, Article 25(a): "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: [t]o take part in the conduct of public affairs, directly or through freely chosen representatives . . . ."</p>





# The Need for Human Rights Advocacy to Overcome Injustice: Lessons from the Environmental Justice & Climate Justice Movement

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**US HUMAN RIGHTS**  
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BUILDING A PEOPLE-CENTERED MOVEMENT