

Maastricht Principles on The Human Rights of Future Generations

Adopted on 3 February 2023

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Introduction

The rights of future generations have long been neglected in the analysis and application of human rights. Yet, human rights law does not limit itself to present generations. The foundations for international law to address the rights of future generations are established in international instruments in an array of subject areas spanning nearly a century; constitutions and legislative acts adopted by the majority of the World's States; in the laws, traditions, and cosmologies of Indigenous Peoples from every continent; and in the doctrine of major faith traditions representing the majority of the world's people.

The Maastricht Principles on the Human Rights of Future Generations seek to clarify the present state of international law as it applies to the human rights of future generations. The Principles consolidate the developing legal framework and affirm binding obligations of States and other actors as prescribed under international and human rights law. They also provide a progressive interpretation and development of existing human rights standards in the context of the human rights of future generations. They further recognize that States may incur additional obligations as human rights law continues to evolve.

These Principles provide examples of how realizing rights of future generations requires attention to the distinct rights of particular groups and peoples, but does not do so comprehensively. It is important to read these Principles together with other human rights standards setting out the implications of human rights for particular groups, including groups subject to historic and current systemic discrimination in its many forms.

The Principles represent the result of a process of close to six years of research, dialogue and collective brainstorming, with the engagement of a range of academic experts, national and regional current or former human rights mandate holders, civil society organizations, members of Indigenous Peoples, and social movements. They build on historic traditions and knowledge spanning millennia.

The Principles were adopted in Maastricht on 3 February 2023. Signatories include experts located in all regions of the world and include current and former members of international human rights treaty bodies, regional human rights bodies, and former and current Special Rapporteurs of the United Nations Human Rights Council. This initiative builds on expert legal opinions adopted in Maastricht, the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986); the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997); and the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011) and its accompanying commentary.

The full explanation of each Principle, and the sources supporting them will be set out in the Commentary to these Principles.

Preamble

- I.** The Universal Declaration of Human Rights, the International Covenant on Economic, Social, Cultural Rights, and the International Covenant on Civil and Political Rights all proclaim that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.
- II.** Neither the Universal Declaration of Human Rights, nor any other human rights instrument contains a temporal limitation or limits rights to the present time. Human rights extend to all members of the human family, including both present and future generations.
- III.** Human generations exist within an unbroken continuum that is continually renewed and redefined as untold new members join the living human community. Any treatment of human generations and their respective rights must recognize and reflect this continuum.
- IV.** The human rights of future generations form an essential dimension of humankind's duty to uphold the inherent dignity, equality, and inalienable rights of all.
- V.** Decisions being taken by those currently living can affect the lives and rights of those born years, decades, or many centuries in the future. In recent decades, the need to recognize the intergenerational dimensions of present conduct have taken on increasing urgency. Humanity, the Earth on which we live, the natural systems of which we are but one part, and our political, social, cultural and economic systems, are in the midst of profound, rapid, and perilous change at humanity's own hands.
- VI.** Recognizing and ensuring the rights of future generations demands an evolution of decision-making processes to consider and ensure both justice and sustainability across an array of timescales including the present, near term and distant future.
- VII.** Children and youth are closest in time to generations still to come and thus occupy a unique position, and have an important role to play, within this transition to long-term, multigenerational thinking. Accordingly, their perspectives and participation in decision-making with respect to long-term and intergenerational risks must be accorded special weight.
- VIII.** Intergenerational justice has both individual and collective dimensions.
- IX.** Women and girls continue to bear the burden of many of societies' greatest challenges. Pervasive social norms and gender stereotypes continue to hold society back from attaining substantive gender equality. Women and girls face systemic discrimination in their enjoyment of all human rights, including a lack of meaningful participation in decision-making processes despite their influence and vital role in securing community and household resources. Gender inequality, if unaddressed, undermines the rights of both present and future generations.

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- X.** Systematic racial, ethnic, religious and other forms of discrimination, exploitation and the inequitable distribution of wealth, resources and opportunities, between and within countries, undermine the rights of present generations and compound the threats to future generations. Accordingly, efforts to address and remedy intragenerational injustice are essential to achieving justice between generations. This requires the fulfilment by States of their extraterritorial obligations, including in the context of the regulation of transnational corporations.
- XI.** The worldviews and ways of life of many Indigenous Peoples reflect the continuum of the relationship between present and future generations and the intrinsic linkage between humankind and the land and ecosystems of which humanity is a part. These systems, and the continuum and interlinkages they safeguard, are endangered through the taking and degradation of Indigenous Peoples' lands, territories, and resources. Accordingly, the full recognition of the sovereignty and effective implementation of the rights and sovereignty of Indigenous Peoples is a shared obligation to both present and future generations of humanity.
- XII.** Peasants and traditional communities, including fishers, pastoralists, forest-dependent people, nomadic people and rural women play a key role in conserving biodiversity and ensuring adequate and sustainable food systems for both present and future generations. Safeguarding their rights and resources is critical for safeguarding and realizing the human rights of future generations.
- XIII.** Humanity is a part of the world, not apart from it. The rights of future generations must be interpreted and applied in light of humanity's dependence on and responsibility to Earth's natural systems, now and throughout our species' future.
- XIV.** The human rights of future generations must be understood, interpreted, and integrated within the evolving legal context recognizing humanity's relationships with the natural world, and the best available science. This context includes the right to a clean, healthy and sustainable environment, the growing recognition of the rights of Nature, and the knowledge systems of Indigenous Peoples, local and traditional communities.
- XV.** The cessation of unsustainable patterns of production, consumption and lifestyles is required to guarantee the full enjoyment of human rights, including economic, social, cultural and environmental rights, by all members of present and future generations. Human development must be decoupled from the destruction of Nature and the overconsumption of natural resources to achieve the realization of the human rights of present and future generations and the integrity of nature and natural systems.

I. General Provisions

1. **Definition: Future Generations**

For the purposes of these Principles, future generations are those generations that do not yet exist but will exist and who will inherit the Earth. Future generations include persons, groups and peoples.

2. **Legal Basis for the Human Rights of Future Generations**

2.1 Future generations are legally entitled to human rights on the basis of amongst others:

- a) International law in its various forms which recognizes human rights for all people, without limiting these rights to present generations;
- b) International law in its various forms that explicitly or implicitly recognize obligations and responsibilities towards future generations, and seek to ensure intergenerational equity; and
- c) General principles of law, as reflected in laws, norms, customs and values of States and peoples from all global regions and belief systems that recognize obligations and responsibilities towards future generations, or that are and will continue to be relevant to the protection of the human rights of all, without limiting them to present generations.

2.2 The above bases do not preclude other sources of law recognizing the rights of future generations that are consistent with these Principles.

3. **Limitations and Derogations**

States may only subject human rights, including the rights of present and future generations, to limitations and derogations expressly permitted under international law pertaining to those specific rights, and subject to the procedures and safeguards prescribed in the relevant international law.

4. **Interpretation**

- a) Nothing in these Principles should be understood to affect any national or international standards that are more conducive to the realization of the rights of future generations.
- b) Nothing in these Principles may be interpreted to imply that any State, group, or person has a right to engage in any activity or to perform any act aimed at undermining any human rights recognized in these Principles, whether those of present or future generations.

- c) General principles of law, as reflected in laws, norms, customs and values of States and peoples from all global regions and belief systems that recognize obligations and responsibilities towards future generations, or that are and will continue to be relevant to the protection of the human rights of all, without limiting them to present generations.
- d) These Principles must be interpreted and applied in a manner that is consistent with humanity's dependence on Nature and all living beings, and with the need to uphold the realization of the rights of Nature and all living beings.

5. Universality and Indivisibility of Human Rights

- a) All human beings - in the past, present and future – are equal in dignity and entitled to the full and equal enjoyment of human rights.
- b) All human rights are universal, indivisible, interdependent and interrelated. Future generations are entitled to all individual and collective human rights, including but not limited to, civil and political rights, economic, social and cultural rights, the right to a clean, healthy and sustainable environment; the right to development; the right to self-determination; and the right to peace.

6. Equality and Non-discrimination

- a) Future generations have the right to equal enjoyment of all human rights. States must guarantee the rights of future generations as set out in these Principles without discrimination of any kind. States and other duty bearers must refrain from any conduct which can reasonably be expected to result in, or perpetuate, any form of discrimination against future generations.
- b) States must eliminate all forms of direct and indirect discrimination, including intersectional discrimination, on grounds of race, color, ethnic origin, sex, gender, sexual orientation, gender identity, marital and family status, work, descent, disability, health status, place of residence, age, national or social origin, religion, culture or language, political or other opinion, property, birth, economic and social situation, or any other status recognized, or to be recognized under international human rights law.
- c) States must protect present and future generations against all forms of discrimination by public and private actors and prevent the emergence of new forms of discrimination.
- d) States must take special measures to eliminate and prevent all forms of discrimination against groups and peoples that have experienced historical and/or systemic forms of discrimination such as slavery, colonialism, racism, discriminatory gender norms and practices and patriarchy. Such measures must include eliminating and preventing the intergenerational transmission of inequality, poverty and oppression. States must also redress the continuing impacts of past injustices in order to ensure that present and future generations are not subject to similar abuses. Special measures must be continued until the full and equal enjoyment of human rights by all is achieved in law and in practice.

- e) Future generations must be free from intergenerational discrimination. This discrimination includes but is not limited to:
 - i. The waste, destruction, or unsustainable use of resources essential to human life;
 - ii. Shifting the burden of responding to present crises to future generations; and
 - iii. According less value to future lives and rights than the lives and rights of present generations, including discounting the impacts and burdens of present conduct on the lives and rights of future generations.

7. Intragenerational and Intergenerational Human Rights Obligations

- a) States must address and remedy intragenerational human rights violations – that is violations affecting members of present generations - in order to both realize the human rights of present generations and to avoid transmitting these violations to future generations.
- b) States must respect and ensure the full enjoyment of children’s human rights in the present as well as ensuring that their human rights in the future are not jeopardized, and refrain from conduct that would undermine their human rights as adult persons.
- c) To meet their obligations to future generations, States must necessarily impose reasonable restrictions on activities that undermine the rights of future generations, including the unsustainable use of natural resources and the destruction of Nature. Such restrictions must not impair or nullify the enjoyment of human rights of present generations; must rectify the vastly disproportionate levels of control over and use of resources by some members of the present generation; and not impose disproportionate burdens on disadvantaged groups.

8. Intergenerational Duties and Trusteeship

- a) Humanity is of the Earth, wholly dependent upon it, and interdependent with it. Every generation lives on the Earth and has an interlinked relationship with Nature and its biodiverse ecosystems. During their time on Earth, each generation must act as trustees of the Earth for future generations. This trusteeship must be carried out in harmony with all living beings and Nature.
- b) Each generation has the duty to protect and sustain the Earth’s natural and cultural heritage for future generations.
- c) The principle of trusteeship and intergenerational duties includes the decisions each generation makes about the near-Earth environment and the Moon.

9. Prevention and Precaution

- a) Where there are reasonable grounds for concern that the impacts of State or non-State conduct, whether singly or in aggregate, may result in violations of the human rights of future generations, States have an obligation to prevent the harm, and must take all reasonable steps to avoid or minimize such harm.
- b) Doing so demands a strong approach to precaution, particularly when conduct threatens irreparable harm to the Earth's ability to sustain human life or to the common biological and cultural heritage of humankind.
- c) The burden of proof in all circumstances must lie with those who would undertake or persist in the conduct involved, not with those who might be harmed as a result. This burden grows proportionately greater as the scale, scope, and irremediability of threats to rights of future generations increases.

10. International Solidarity

- a) All human beings, whether within present or future generations, are entitled to a social and international order in which rights and freedoms can be realized for all. Such an international order is only possible, now or in the future, if people, groups and States adopt the principle of international solidarity.
- b) States have an individual and collective duty to recognize, respect and practice international solidarity in their relations with each other to ensure the rights of present and future generations, including the right to live in a clean, healthy and sustainable environment, and the rights of nature.

11. Learning from and Upholding the Rights of Indigenous Peoples

- a) In implementing and upholding the rights of future generations, States and non-state actors should draw inspiration and guidance from Indigenous Peoples' knowledges, cultures and traditional practices which contribute to sustainable and equitable development and the proper management of the environment.
- b) Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, and other resources, and to uphold their responsibilities to future generations in this regard. States must respect and take active measures to protect the sovereignty of Indigenous Peoples over the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired.
- c) States must respect and protect the rights of Indigenous Peoples to maintain their institutions, traditional lifestyles, languages, cultures, knowledge systems, and spiritual ontologies for the benefit of present and future generations of Indigenous Peoples and for future generations of humankind.

12. Peasants, Local and Traditional Communities

- a) Peasants, local, and traditional communities, including small-scale fishers and fish workers, pastoralists, and forest-dependent communities, have a special relationship with the land, water, and natural processes on which they depend for their livelihoods. They play a vital role in conserving and restoring biodiversity, protecting cultural heritage, undertaking sustainable practices of agricultural production, and ensuring food security for present and future generations. States should draw inspiration and guidance from their knowledge, traditions, and practices.
 - b) States must safeguard the full and equal enjoyment of all human rights to peasants and traditional communities, including, individually and collectively, their right to land, traditional knowledge, and seed systems; to participate equitably in sharing the benefits arising from the utilization of plant genetic resources; and to participate in the making of decisions on matters relating to their rights. In doing so, States must ensure that this knowledge and these vital resources remain available to future generations.
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II. State Obligations

13. Obligations to Respect, Protect, and Fulfil the Human Rights of Future Generations

- a) States have obligations to respect, protect, and fulfil the human rights of future generations.
- b) These obligations extend to all conduct of States, whether through actions and omissions, and whether undertaken individually or collectively, including decisions made in their capacity as members of international or regional organizations. Such conduct includes, but is not limited to, the adoption or implementation of policies, practices, programs and legislation.
- c) Failure to comply with these obligations constitutes a violation of the rights of future generations.
- d) States must ensure an effective remedy for failure to respect, protect and fulfil these rights as set out in section IV (Accountability and Remedies).

14. Scope of Jurisdiction

Each State has obligations to respect, protect and fulfil the human rights of future generations in any of the following circumstances:

- a) Situations over which it exercises authority or effective control, whether or not such control is exercised in accordance with international law;

- b) Situations over which its conduct brings about foreseeable effects in the enjoyment of human rights for present or future generations;
- c) Situations in which the State, acting separately or jointly, whether through its executive, legislative or judicial branches, is in a position to exercise decisive influence, or to take measures to realize the human rights of future generations in accordance with international law.

15. Limits to the Entitlement to Exercise Jurisdiction

The State's obligation to respect, protect and fulfil the human rights of future generations does not authorize a State to act in violation of the United Nations Charter and general international law.

16. Obligation to Respect the Human Rights of Future Generations

States must refrain from conduct they foresee, or ought reasonably to foresee, will create or contribute to, a substantial risk of violations of the human rights of future generations.

17. Violations of the Obligation to Respect

Violations of obligations to respect the human rights of future generations include, but are not limited to:

- a) Depriving future generations of sustainable and equitable enjoyment of natural resources, Nature or ecosystems necessary for the enjoyment of their rights to life, health, and an adequate standard of living for themselves and their families, including the rights to food, water, housing and sanitation;
- b) Unsustainably using and depleting natural resources;
- c) Polluting or degrading ecosystems;
- d) Contributing to a decline in biodiversity or to anthropogenic climate change;
- e) Creating human rights risks resulting from the development and/or deployment of technologies for reducing greenhouse gas emissions or removal of carbon from the atmosphere;
- f) Engaging in conduct that results in discriminatory access to natural resources and benefits enjoyed by future generations as compared to present generations;
- g) Impairing the ability of future generations to prevent and respond to climate change and other forms of environmental harm;
- h) Censoring, withholding, intentionally misrepresenting, or criminalizing the provision of information related to the climate crisis;

- i) Entering or remaining in bilateral or multilateral agreements that undermine the enjoyment of human rights by future generations;
- j) Interfering with the voluntary perpetuation of a community or peoples' cultural legacy to future generations;
- k) Taking measures that are foreseeably likely to result in displacement of future generations from their land, territories and/or housing, or that deprive them of enjoyment of Nature, ecosystems or natural resources;
- l) Developing or using surveillance or data gathering technologies or other means of social control that would infringe the human rights of future generations;
- m) Developing or using artificial intelligence systems that threaten the full enjoyment of human rights of future generations;
- n) Developing or using weapons of mass destruction, including, but not limited to, inhumane conventional weapons, nuclear and biological weapons;
- o) Producing or facilitating the production of any waste material or hazardous substances of a kind, or at a scale, that cannot be soundly managed, and safely and completely disposed of by the generation that produced it;
- p) Developing or using reproductive technologies that threaten or violate future generations' human rights, including but not limited to, the rights to privacy, health, safety, bodily integrity, and equality;
- q) Unjustifiably reducing expenditure on programs and institutions required to realize human rights, thus putting future generations at risk of diminished enjoyment of their rights.

18. Obligation to Protect the Human Rights of Future Generations

- a) States must take all necessary measures to protect the human rights of future generations against substantial risks posed by the conduct of public and private actors, including business enterprises.
- b) States have a continuing obligation to reasonably foresee and prevent the creation of circumstances likely to result in the violations of the human rights of future generations.
- c) Necessary measures include, but are not limited to:
 - i. Adopting and implementing appropriate legislative and administrative measures as well as establishing procedures, institutions and mechanisms so as to identify and effectively prevent national and international threats to the human rights of future generations;

- ii. Establishing special mechanisms, processes or institutions to monitor and report on the extent to which public bodies are setting and meeting their human rights obligations towards future generations;
- iii. Ensuring effective and accessible judicial and other remedies for violations of the human rights of future generations in accordance with Part V.

19. **Violations of the Obligation to Protect**

Violations of obligations to protect the human rights of future generations by States include, but are not limited to:

- a) The failure to adequately monitor and regulate the conduct of public or non-State actors where it is reasonably foreseeable that such conduct will impair future generations' human rights, or failing to hold them accountable for such conduct;
- b) The failure by States to phase out fossil fuels within the shortest possible time, with States with the greatest responsibility and capacity to move most expeditiously;
- c) The failure to avert, minimize and address loss and damage associated with the adverse effects of climate change; including the failure of States with greater responsibility and capability to adequately contribute both financially and through all appropriate policies and measures;
- d) The failure to take steps to protect future generations from biological risks and threats;
- e) The failure to prevent the degradation or destruction of irreplaceable topsoils and freshwater vital to sustaining the lives and livelihoods of future generations;
- f) The failure to effectively regulate, and where appropriate prohibit, scientific research and activities that pose a reasonably foreseeable and substantial risk to the human rights of future generations, including genetic engineering and geo-engineering;
- g) The failure to adopt effective measures to protect State and international decision-making processes from undue corporate influence or corporate capture which nullifies or impairs the human rights of future generations;
- h) The failure to prevent the monopolization of access to knowledge and abusive corporate control of data required for the realization of the human rights of future generations;
- i) The failure to adopt legislation, programs, and policies to protect the right to work and rights in work in the context of technological innovations that pose a substantial and reasonably foreseeable risk to the full enjoyment of these rights by future generations;

- j) The failure to protect Indigenous Peoples, peasants and traditional communities' rights and prevent the appropriation of their systems of knowledge by State and non-State actors;
- k) The failure to investigate and provide appropriate remedies for human rights abuses by non-State actors, including prosecution where appropriate, and reparation.

20. Obligation to Fulfil Human Rights of Future Generations

- a) States must take all necessary measures to fulfil the human rights of future generations, including by providing and mobilizing adequate financial resources and technical assistance.
- b) States must create an enabling environment to prevent and remove the causes of asymmetries and inequalities between and within States, and the structural obstacles and factors that generate or perpetrate poverty and inequality for future generations.
- c) Necessary measures include, but are not limited to:
 - i. Recognizing the human rights of future generations in appropriate normative instruments, such as national constitutions and legislation;
 - ii. Adopting framework legislation that allocates duties and responsibilities in relation to the fulfilment of the rights of future generations to different levels and branches of the State and dedicated agencies and commissions, and sets appropriate time-bound targets;
 - iii. Establishing a domestic mechanism that conducts a prior review or audit of the potential effects of legislation, bills and policies and other governmental decisions on the human rights of future generations;
 - iv. Imposing duties on State and non-State actors to carry out environmental and human rights impact assessments of decisions, explicitly including impacts on the rights of future generations;
 - v. Ensuring that the burdens of mitigating and remedying climate change and other forms of environmental destruction are not shifted to future generations;
 - vi. Ensuring that disadvantaged groups, developing States, in particular least developed States, small island developing States, and States in conflict and post-conflict situations do not bear disproportionate costs and burdens of mitigating and remedying environmental destruction;

- vii. Designing and implementing educational and awareness programs on the human rights of future generations;
- viii. Taking positive measures to facilitate knowledge and understanding of the human rights of future generations;
- ix. Phasing out unsustainable consumption and production patterns and waste generation that jeopardizes the Earth's ability to sustain future generations. Wealthier States must proceed more expeditiously under the principle of common but differentiated responsibilities and respective capabilities;
- x. Developing and implementing human rights-based governance and regulation of information and communication technologies that ensure, non-discriminatory access to the internet, and public control of data infrastructure;
- xi. Providing financial and other forms of support to representatives of future generations to participate in public deliberation, mobilize, and advocate for their human rights;
- xii. Creating an enabling environment that fosters and promotes the capacity of individuals, community-based organizations, social movements, non-governmental organizations, and Indigenous Peoples to defend all the human rights of future generations, including the right to self-determination;
- xiii. Removing barriers for women and girls to participate fully and equally in education and the economy, including in areas in which they are under-represented, such as science, technology, engineering and mathematics.

21. **Violations of the Obligation to Fulfil**

Violations of obligations to fulfil the human rights of future generations by States include, but are not limited to:

- a) The failure to take positive measures to facilitate knowledge and understanding of the human rights of future generations;
- b) The failure to adopt and implement legislation, policies and programs to eradicate the intergenerational transmission of poverty and disadvantage;
- c) The failure to establish appropriate monitoring mechanisms to evaluate progress in the fulfilment of rights, including the rights of future generations;
- d) The failure to ensure that the rights of future generations are fully integrated in national human rights strategies and plans of action;
- e) The failure to ensure, at the very least, the satisfaction of essential levels of

social, economic and cultural rights for present generations, and to take measures that enable future generations to ensure these levels for themselves;

- f) The failure to take individual and collective measures to reduce inequality both within and between States;
- g) The failure to mobilize and allocate adequate resources, including from international assistance and cooperation, to facilitate the full and equal enjoyment of human rights by future generations;
- h) The failure to invest adequate resources to ensure a just and fair transition from the production and use of fossil fuels and other ecologically harmful activities;
- i) The failure to take appropriate measures to prevent potential public health emergencies in the future;
- j) The adoption of retrogressive measures that result in the unjustified reduction or diminishment in the enjoyment of human rights by future generations;
- k) The failure to prioritize the realization of the rights of marginalized and disadvantaged groups in realizing the rights of future generations.

22. Participation and Representation

- a) Future generations must be represented meaningfully and effectively in decision-making that may impact on their enjoyment of human rights.
- b) States must create the enabling conditions for representation of future generations to participate in decision-making. This includes recognizing bodies established by Indigenous Peoples, peasants and traditional communities that have developed their own mechanisms to represent future generations.
- c) States must recognize and respect that present children, adolescents and youth occupy a proximate position to future generations, and must protect their rights to be heard and other participatory rights, including when advocating for human rights on behalf of themselves and future generations.
- d) States must create accessible and inclusive bodies and institutions at all levels to ensure that the representatives of future generations can effectively participate in decision-making that affects their human rights. Examples of such bodies and institutions include: Ombudspersons, guardians, trustees or commissioners; designated seats in parliaments, National Tribunals to protect Nature and/or National Human Rights Institutions. Special attention must be paid to ensure that these institutions and mechanisms are diverse and include meaningful and effective participation by groups that are disadvantaged or who have experienced systemic discrimination. The independence of such institutions must be guaranteed.

- e) States must take adequate and effective measures to guarantee the rights of individuals or groups of individuals working to protect or promote the rights of future generations, including women, children and youth, Indigenous Peoples and environmental and human rights defenders. Such protection must ensure freedom from attacks, threats, intimidation, retaliation, stigmatization or criminalization.

23. Access to Information

- a) States must make every effort to ensure easy, prompt, effective and practical access to comprehensible information about issues that may affect the human rights of future generations, including by proactively making this information available. They must also put in place procedures that provide representatives of future generations with the right to seek and receive such access to information, and ensure transparency about decisions reached.
- b) Fees, where charged, should not constitute an unreasonable impediment to access to information, and an appeals system should be in place to challenge failures to provide information.
- c) States must provide and disseminate information on matters that are important for the effective protection of the human rights of future generations, such as environmental and climate-related information, information on inter-generational toxic, chemical and radiological hazards, technological developments and scientific research. They must respect, protect, and fulfil the freedom to seek, receive, publish and disseminate such information.
- d) States must ensure disclosure of information necessary to fully and properly identify State and non-State actors that may be responsible for human rights impacts on future generations.
- e) Information should be provided in languages used by affected peoples, groups and communities, in alternative formats, and through suitable channels of communication that are accessible to disadvantaged groups. Information must also be disseminated in an accessible manner for persons with disabilities, including through braille and other assistive technologies.
- f) States must refrain from the dissemination of false and misleading information on issues that are important for the protection of the human rights of future generations including, but not limited, to climate change, the implications of technological developments, and scientific research. They must counter and, where appropriate, prevent dissemination of such misinformation by other actors. They should regulate and address conflicts of interest that undermine the right to information.

24. Extraterritorial Obligations

- a) States have obligations towards future generations who will exist within their territory and outside their borders. These arise on the basis of:
 - i. obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory; and
 - ii. obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.
- b) States must take all appropriate legal, political, economic and diplomatic measures to refrain from conduct that would create a reasonably foreseeable risk of impairing the enjoyment of human rights by future generations, including outside their territory. They must conduct regular assessments of the extraterritorial impacts of their laws, policies and practices.
- c) States must prevent corporations and other non-state actors under their jurisdiction from engaging in conduct domestically or outside their borders that would create a reasonably foreseeable risk of impairing the enjoyment of human rights by future generations, including outside their territory. States should provide effective judicial or other State-based mechanisms to hold corporations and other non-state actors legally accountable for such violations.
- d) States must, individually and jointly, take deliberate, specific, and targeted measures in decisions and international agreements to create an international enabling environment conducive to protecting the rights of present and future generations. Such measures must include economic, social and environmental and climate-related measures. These measures must be taken in accordance with equity, and the common but differentiated responsibilities and respective capabilities of States.
- e) States must ensure that international trade and investment agreements are applied and interpreted in a manner consistent with the human rights of future generations, and where necessary to realize these rights, terminate, amend or withdraw from existing agreements. Consistency between trade and investment agreements and human rights obligations require that the former be designed, implemented, applied and interpreted in a manner that does not undermine or restrict the State's capacity to fulfil their human rights obligations. They have the duty to notify, consult and negotiate with other States in situations where there is a substantial and foreseeable risk of violating the human rights of future generations.

- f) States have an obligation to provide international assistance commensurate with their capacities, resources and influence, and to cooperate with each other, to ensure respect for, and the protection and fulfilment of, the human rights of future generations, as established in the Charter of the United Nations and in international human rights treaties.
- g) States in a position to do so should individually and collectively take steps to prevent and resolve unsustainable State debt (including, as appropriate, through unconditional debt relief) owed by other States that will infringe the human rights of future generations.
- h) States in a position to do so should provide international assistance, including financial, technological, and other forms of assistance, to contribute to the realization of human rights of present and future generations.
- i) International assistance should not undermine national development strategies or policies and domestic accountability mechanisms and procedures and must observe international human rights standards, including the right to self-determination, the right to participate in decision-making, and the protection of the human rights of future generations.
- j) States providing aid and those receiving it should be accountable to present and future generations for their actions and the results of their interventions. This requires that mechanisms are created for representatives of future generations to participate in decision-making about international assistance, and to seek remedy and redress on behalf of future generations.

III. Obligation, Duties and Responsibilities of Other Actors

25. Duties and Responsibilities of Non-State Actors Including Business Enterprises

- a) Non-State actors, including business enterprises, must at the very minimum, respect the human rights of future generations, and thus refrain from causing or contributing to adverse impacts on their human rights through their activities, products or services, and prevent harm, mitigate risk and remedy such impacts when they occur.
- b) Businesses and other non-state actors whose actions may negatively affect the enjoyment of human rights by future generations must adopt a clear policy commitment to respect future generations' human rights. They must comply with their duty of care including along their value chains. They must undertake human rights due diligence processes to identify and assess any actual or potential impacts on human rights posed by their activities, products and services in all their business relationships. They must also disclose, prevent harm, mitigate risks and remedy the adverse effects of their actions on the human rights of future generations.

- c) Non-state actors that breach these duties and responsibilities should be held accountable under international law.

26. Obligations of Intergovernmental Organizations

- a) States and international institutions of which they are members must create an enabling global environment with the aim of achieving the full realization of human rights of future generations.
- b) International financial institutions and other inter-governmental and supranational institutions are subjects of international law and have a duty to not impair the ability of their members to comply with their legal obligations. They must accordingly respect the human rights of future generations, and engage in conduct consistent with the realization of these rights. They must comply with all obligations imposed by the general rules of international law and ensure access to remedies for any violations of their obligations towards future generations.
- c) International financial institutions and other inter-governmental and supranational institutions must ensure that their policies, practices, and economic reform measures will contribute to the realization of, and not undermine, the human rights obligations of States towards future generations. They must refrain from designing, adopting, financing, and implementing policies or measures that, directly or indirectly, impair the enjoyment of human rights by future generations.
- d) Inter-governmental and supranational institutions, at the global and regional level, should support efforts by States to uphold the rights of future generations including through multilateral cooperation. Such support should include technical cooperation, financial assistance, institutional capacity development, knowledge sharing, exchange of experiences and transfer of technology.
- e) International financial institutions and other inter-governmental and supranational institutions must adopt effective measures to protect decision-making processes and spaces from undue corporate influence or corporate capture which nullify or impair the human rights of future generations.

27. Responsibilities and Duties of Individuals and Communities

- a) Every person has responsibilities and duties to themselves, their community and society, and to humanity as a whole, including duties to respect and promote the human rights of future generations.
- b) Civil society organizations and non-governmental bodies have responsibilities to respect and promote the human rights of future generations.
- c) National human rights institutions must have the competence to

oversee decisions that may have an impact on future generations. They should incorporate the human rights of future generations in their plans and programs, and should put in place mechanisms to monitor and report on the activities, decisions or policies (and the implementation thereof) by States' authorities which affect the human rights of future generations.

- d) The recognition of individual and community responsibilities in no way diminishes the obligations of States to respect, protect, and fulfil or the duties of non-state actors to respect the human rights of future generations.

IV. Accountability and Remedies

28. Incorporation and Implementation in Domestic Law

States must ensure that the human rights of future generations are effectively incorporated into their domestic law, or otherwise recognized in their domestic legal system.

29. Victims

For the purposes of the present section, victims of violations refer to future generations, including persons, groups, and peoples, who face a substantial and reasonably foreseeable risk of suffering human rights violations, whether individually or collectively, through acts or omissions of present States and non-State actors. The designation of persons, groups and peoples subject to such violations as victims in this context refers to their entitlement to hold accountable those responsible for violations of their rights, while affirming their dignity, autonomy and self-determination.

30. Effective Remedies

Everyone has the right to an effective remedy for conduct violating their human rights. To that end, States must:

- a) Provide adequate judicial, quasi-judicial and administrative mechanisms for the supervision and enforcement of the human rights of future generations;
- b) Investigate, adjudicate, and redress violations of future generations' human rights caused or contributed to by States or private actors;
- c) Ensure that victims (and their representatives) have standing before courts and human rights bodies, and take all necessary measures to ensure that representatives are able to enforce the human rights of future generations through the judicial system;
- d) Ensure access to justice, including by removing barriers to access and providing appropriate and adequate assistance to victims' representatives;
- e) Disseminate, through public and private mechanisms, information about all available remedies for violations of the human rights of future generations;

- f) Where the harm resulting from an alleged violation is expected to occur on the territory of a State other than the State where the harmful conduct took place, any State concerned must provide the victims with access to justice, whereas the obligation to provide reparations falls on the States responsible for the harmful conduct.

31. State Responsibility

A State is responsible for the breach of obligations to respect, protect and fulfil the rights of future generations from the moment that it fails to act in conformity with these obligations.

32. Prevention, Cessation, Non-repetition and Redress

States' obligations to respect, protect, and fulfil the rights of future generations include, among others, the obligations to:

- a) Take appropriate legislative, administrative and other measures to prevent violations, including the regulation of activities by non-state actors under their jurisdiction;
- b) Take effective measures aimed at the cessation and non-repetition of activities that risk harming the rights of future generations; including preliminary measures to prevent harm while remedial procedures are underway;
- c) Provide effective guarantees of non-repetition of violations;
- d) Provide adequate, effective, prompt and appropriate redress to victims, including reparation, as described below.

33. Full and Effective Reparation

Victims are entitled to full and effective reparation, as laid out in Principles 34-36 below, which include the following forms: restitution, compensation, and satisfaction. Reparation for violations of the human rights of future generations should be proportionate to the gravity of the violations and the harm caused by the violation. States, in consultation and cooperation with representatives of victims, must establish national and international programs for reparation for violations of the human rights of future generations.

34. Restitution

Restitution should be aimed at restoring the ability of victims to enjoy their human rights to the greatest possible extent. It should be informed by the best available scientific evidence, as well as Indigenous Peoples' and traditional knowledge, by precaution, and the participation of victims' representatives. Restitution includes, as appropriate: restoration of degraded ecosystems and means of subsistence and development, return of land, territories, resources, and other property, and means to identify, restore, revitalize and transmit cultural heritage.

35. Compensation

Appropriate compensation must be provided for any damage that cannot be prevented or repaired, including when restitution is not possible. Compensation may be made in kind, or in the form of monetary compensation committed to victims.

36. Satisfaction

Satisfaction must include, where applicable, any or all of the following:

- a) Verification of the facts and full and public disclosure of the truth regarding the causes and conditions pertaining to the violations, including the role and responsibility of non-state actors;
- b) Mechanisms to provide victims and their representatives with information on the causes and conditions pertaining to the violations and to learn the truth in regard to these violations;
- c) An official declaration or a judicial decision restoring the dignity, status and rights of the victims;
- d) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- e) Judicial and administrative sanctions against persons liable for the violations;
- f) Inclusion of an accurate account of the violations that occurred in national and international human rights law training and in educational material at all levels.

Endorsed by

All endorsements are done in personal capacity.

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3. David R. Boyd - UN Special Rapporteur on Human Rights and the Environment
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