

STRENGTHENING CIVIL SOCIETY PROGRAMME: FUTURE FUNDING THEMES

Scoping paper: Environment and human rights

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About this paper

The Baring Foundation's Strengthening Civil Society (SCS) programme aims to support organisations within civil society to make effective use of the law and human rights-based approaches to tackle discrimination and disadvantage and bring about wider social change. This includes changes in policy, regulation and law; changes in behaviour, attitudes and norms; and new ways of designing and delivering services or support for individuals.

As part of considering the future direction of the programme, in 2025 the Foundation commissioned four scoping papers on the themes of Human Rights, Criminal Justice, Environment and Human Rights, and Corporate Accountability, one or more of which might become a future focus for the programme.

This paper considers the area of Environment and Human Rights.

ABOUT THE AUTHOR

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Summary

Environmental harm and climate change are widely recognised as key challenges of our time; environmental and human rights laws offer a powerful avenue for response. There is a rapid development of international, regional or domestic legal work in this area, including groundbreaking cases. At the same time, the UK risks turning into an environmental backwater, with continuing threats to legal protection in this area, particularly as a result of Brexit. Additionally, environmental regulation diverges across the four nations of the UK, creating distinctive challenges and opportunities in response. Finally, the evidence shows that it is communities who are already disadvantaged and marginalised on grounds such as race, age, disability or income that bear the brunt of environmental harm, raising important questions about equity and justice.

The threat to environmental rights in the UK comes at a critical juncture, when their benefits for community building and place-making alongside environmental protection might help to counter the clarion call of the Far Right. Legal hubs are already doing valuable work to bridge the environmental and human rights divide, building capacity with civil society and impacted communities, while advocating for a human right to a clean, healthy and

sustainable environment (RHE). However, significant gaps remain, including a general lack of understanding within civil society and government of the connection between human rights and the environment, as well as of how the RHE underpins other human rights. These gaps too often extend to funders, leading to the ‘siloing’ of human rights and environmental programmes. As a result, there is a clear need for innovative and catalytic funding initiatives, demonstrating the value in connecting the two areas. Existing funder networks in the fields of the environment and human rights provide avenues for potential future collaboration in this area.

This report is based on interviews with a range of civil society organisations and funders working in the areas of human rights and the environment, as well as desk-based research. Its findings suggest that the theme of environment and human rights aligns strongly with the aims and objectives of the Baring Foundation’s (the Foundation’s) Strengthening Civil Society programme. This makes it a weighty contender for the programme’s new area of focus, while also having clear overlaps with the other areas being considered.

Connecting environment and human rights with the purposes of the Foundation

WOULD THIS THEME TACKLE THE ROOT CAUSES OF INJUSTICE AND INEQUALITY?

Environmental degradation is a significant and growing driver of injustice, inequality and human rights violations. The UN General Assembly has adopted a resolution recognising the RHE, noting that environmental harm and unsustainable development “constitute some of the most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights”.¹ The preamble to the Paris Agreement, adopted under the UN Framework Convention on Climate Change (UNFCCC) refers to the application of human rights obligations when addressing climate change and the Kunming Montreal Global Biodiversity Framework (GBF) acknowledges the RHE, providing for a human rights-based approach². The RHE is also protected in 110 constitutions across the world representing 80% of UN member states.³ In addition, UN briefings and international caselaw stress that human rights are interdependent and indivisible, and identify

core substantive and procedural components of the RHE.⁴ Further, research has concluded that recognition of the RHE contributes to improved environmental outcomes including cleaner air, greenhouse gas reduction and improvements to access to safe drinking water.⁵ Finally, the RHE has been interpreted to protect the environment in its own right, rather than only for its instrumental value to humans, forming a bridge between human rights and rights of nature.⁶

International legal cases and opinions

International human rights treaty bodies and tribunals are already connecting environmental harm with human rights breaches in their findings.⁷ In July 2025, building on a previous Advisory Opinion recognising the RHE, the Inter-American Court of Human Rights found that a safe, stable climate is part of the RHE.⁸ In the same month, an Advisory Opinion from the International Court of Justice found that the RHE “is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate

¹ UN General Assembly, “The human right to a clean, healthy and sustainable environment” (28 July 2022) UN Doc A/RES/76/300. See: digitallibrary.un.org/record/3982508/files/A_76_L.75-EN.pdf.

² See Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104, Preamble and Decision 1/COP.15: Kunming-Montreal Global biodiversity framework, CBD/COP/15/L.25 Section C 7(g).

³ Report of the UN Special Rapporteur on the Right to A Healthy Environment A/HRC/43/53 (2019), Summary and para 10, available at docs.un.org/en/A/HRC/43/53.

⁴ ‘What is the Right to a Healthy Environment? Information Note by OHCHR, UNEP and UNDP at Section 3.2 p9. Available at www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf.

⁵ See ‘The Right to a Healthy Environment: A User’s Guide’ by the Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment (2024) (RHE User’s Guide) p10. Available at www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/act.

⁶ See RHE User’s Guide p8. Available at www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/act.

⁷ CDDH Study on the Need for and Feasibility of a Further Instrument or Instruments in the Field of Human Rights and the Environment, CDDH(2024)R101 Addendum 2 para 42 (29/11/2024). Available at rm.coe.int/steering-committee-for-human-rights-cddh-cddh-study-on-the-need-for-an/1680b2b196.

⁸ Inter-American Court of Human Rights, Advisory Opinion OC-32/25 on the Climate Emergency and Human Rights, July 3, 2025 (requested by Colombia and Chile) Available at: www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf.

standard of living.”⁹ Caselaw is also emerging on the liability of corporates for climate harm.¹⁰ These international developments may enhance and solidify opportunities for UK cases promoting an RHE at the domestic level. Interviewees for this research acknowledged the importance of human rights-based environmental/climate litigation, with one describing it as ‘the next frontier’ for human rights.

The Council of Europe and the European Court of Human Rights

While the European Convention on Human Rights (ECHR) does not protect the RHE directly, the European Court of Human Rights (ECtHR) has adjudicated upon over 300 environmental cases, demonstrating that the ECHR can play an important role in environmental matters.¹¹ In the landmark case of *Klimaseniorinnen v Switzerland* (*Klimaseniorinnen*), the ECtHR found that Article 8 of the ECHR encompasses a right to effective protection from climate impacts, which Switzerland had breached due to insufficient regulation and action.¹² The Council of Europe continues to consider the adoption of a legal instrument on the RHE, while calling on member states to actively consider recognising it at the national level.¹³

UK CONTEXT

Despite many years of advocacy and campaigns, the RHE is not protected in UK law. And the current political climate is not

promising. As one interviewee put it: “so much is going off the rails at the moment that it’s a hard fight just to maintain the existing structure”. This may not be simply incidental: the most recent ‘Where The Green Grants Went’ (WGGW) Report notes that “both US foundations and wealthy donors based in Europe appear to be organising themselves to undermine environmental progress in the UK and across mainland Europe, for example by reversing or delaying progress towards net zero greenhouse gas emissions”.¹⁴ The report describes this as “a very real and present threat to the effectiveness of environmental funding.”¹⁵ Notably, the challenges arising in this area, as well as the opportunities for resolving them, have a strong legal and rights-based dimension.

Weakening of UK environmental regulation post-Brexit

Brexit has led to a weakening of environmental regulation in three core ways.

Divergence from existing EU-derived environmental regulation

Brexit has led to the UK charting its own regulatory path on environmental issues. For example, it has left REACH, the EU’s chemical regulations body. While it has replaced this with a domestic version, substances determined to be hazardous to human health by the EU since Brexit (such as those that are carcinogenic or have impacts on reproductive systems) remain unregulated

⁹ See “Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change”, para 393 www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf and e.g. verfassungsblog.de/icj-climate-right-to-a-healthy-environment.

¹⁰ See ‘Germany: Landmark ruling in *Lliuya v RWE* strengthens corporate climate accountability, say experts’, Business & Human Rights Resource Centre, 28 May 2025 www.business-humanrights.org/en/latest-news/germany-landmark-ruling-in-lliuya-v-rwe-strengthens-corporate-climate-accountability-say-experts.

¹¹ See ‘Protecting the Environment Using Human Rights Law’: www.coe.int/en/web/portal/human-rights-environment and ‘Environment and the European Convention on Human Rights Factsheet. Available at www.echr.coe.int/documents/d/echr/FS_Environment_ENG.

¹² *Verein KlimaSeniorinnen v. Schweiz and Ors v. Switzerland*, Application No. 53600/20 (*KlimaSeniorinnen* Case) Available at hudoc.echr.coe.int/eng/#%7B%22itemid%22%3A%22002-14304%22%7D.

¹³ CM/Rec(2022)20. Recommendation of the Committee of Ministers to Member States on human rights and the protection of the environment (Adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers’ Deputies): search.coe.int/cm/eng?i=0900001680a83df1; CM/Del/Dec(2025)134/3b - 134th Session of the Committee of Ministers (Luxembourg, 14 May 2025) - 3. Implementation of the Reykjavík Declaration – follow-up decisions - b. Council of Europe and the environment, search.coe.int/cm/eng?i=0900001680b5ca14.

¹⁴ Environmental Funders Network ‘Where the Green Grants Went 9: Patterns of UK Funding for Environmental Work’ (September 2024) (WGGW Report) p35. Available at www.greenfunders.org/resources/where-the-green-grants-went-9.

¹⁵ WGGW Report, p 35.

in the UK.¹⁶ In addition, provisions in Part III of the current Planning and Infrastructure Bill would undermine the protection of nature sites previously protected under EU law. The UK's Trade and Cooperation Agreement (TCA) with the EU restricts its ability to weaken environmental protections post-Brexit, but only where this has an impact on trade and investment.¹⁷

Weakening of oversight and accountability

EU membership ensured oversight by the European Commission – and ultimately the European Court of Justice – of the implementation of EU environmental law in the UK. The UK risked infraction proceedings and potentially significant fines for failing to comply with EU legislation, such as that on water quality and sewage discharges. Post-Brexit, the UK-based bodies charged with oversight of environmental legislation have significantly weaker enforcement powers.¹⁸

Loss of the EU environmental acquis (broadly the treaties, legislation and jurisprudence that members of the EU are required to adhere to)

Since Brexit, the EU has continued to develop its environmental protection. For example, its revised Air Quality Directive introduces stricter pollutant limits to comply with the standards

set by the World Health Organization (WHO) and provides for compensation to those whose health has been harmed by breach of the rules.¹⁹ It has also introduced a directive protecting individuals and NGOs from SLAPPs (Strategic Lawsuits against Public Participation).²⁰ The UK is not keeping pace with such changes. Notably, the EU is now facing its own deregulation drive, as evident from restrictions in the scope of directives on corporate due diligence and reporting that incorporated environmental and human rights provisions.²¹

Regression on environmental rights protected under the Aarhus Convention

The UK is a party to the UNECE Aarhus Convention (AC), which protects the rights to environmental information, participation (including environmental protest) and access to justice. The EU is also a party to the AC and EU directives were a primary means of implementation of AC standards in the UK.²² Without the 'teeth' of the EU's judicial infrastructure, the UK's application of the AC, which was always desultory, is now actively under threat. An interviewee described the government as 'chipping away' at the AC's protections in areas such as public participation in planning processes and environmental legal costs.²³ Access to Justice, which was

¹⁶ See 'The UK Environmental Protections Dropped Since Brexit,' *The Guardian*, 19 January 2024. www.theguardian.com/environment/2024/jan/19/the-uk-environmental-protections-dropped-since-brexit and 'REACHing for Divergence? UK Chemical Regulation Post-Brexit', L. B. Jones and C.J Burns in 'Integrated Environmental Assessment and Management' 7 May 2024. Available at onlinelibrary.wiley.com/doi/10.1002/ieam.4941.

¹⁷ Article 391(2) requires the UK not to reduce its environmental protections below the levels in place at the end of the Brexit transition period if doing so affects trade or investment. The efficacy of this provision will depend on how impacts on trade and investment are interpreted.

¹⁸ For example, where a court finds a public body has failed to comply with a serious breach of environmental law, it may make a statement of non-compliance. The statement does not affect the validity of the conduct in respect of which it is given. Moreover, any remedy granted by the court excludes damages and may only include a remedy such as a quashing order if it would not cause substantial hardship to, or substantially prejudice the rights of, third parties (see s.38 Environment Act 2021: www.legislation.gov.uk/ukpga/2021/30/section/38).

¹⁹ Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe (recast). Further information available at: environment.ec.europa.eu/topics/air/air-quality_en

²⁰ Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation') (EU SLAPPs Directive). Available at eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401069; See also the Warning Notice published by the Solicitors Regulation Authority (SRA) relating to SLAPPs@ www.sra.org.uk/solicitors/guidance/slapps-warning-notice.

²¹ See 'The Simplification Omnibus and the Rule of Law: Undermining Corporate Sustainability in the EU and Beyond?' Olean Uvarova, Business and Human Rights Journal Blog, March 12 2025. Available at: bhrj.blog/2025/03/12/the-simplification-omnibus-and-the-rule-of-law-undermining-corporate-sustainability-in-the-eu-and-beyond.

²² For example, Directives dealing with Access to Environmental Information, Public Participation and Environmental Impact Assessment.

²³ These concerns are supported by Recommendation 2 in a report from the thinktank the 'Labour Infrastructure Forum' which argues that the Planning and Infrastructure Bill "should take the necessary powers to mitigate the adverse incentives arising from the application of the Aarhus Convention" by restricting the use of environmental costs caps in various ways. Available at: static1.squarespace.com/static/668422817948c5003a08e4c5/t/685bedea825d964cb80384b0/1750855147057/The+Planning+and+Infrastructure+B.

never the subject of an EU directive in its own right, is particularly vulnerable, with the Ministry of Justice no longer collecting data on environmental cases or outcomes. In tandem, the UK's status in regard to civic freedoms has been downgraded by Civicus Monitor from 'narrowed' to 'obstructed' in particular due to restrictions on protest.²⁴ Environmental protestors in the UK are arrested at nearly three times the global average rate.²⁵ This has led to criticism from the UN Special Rapporteur on Environmental Defenders, Michel Forst; UK environmental protestors suffering harassment and prosecution have also made complaints to the AC's compliance committee.²⁶

Threat to climate commitments

Action on Climate Change is in danger of becoming a political football.²⁷ This is occurring in a context where the UK is seeing a rise in support for right wing populism, reflecting trends in Europe and internationally.²⁸ Reform's Richard Tice has promised a 'day one' assault on net zero policies if the party comes to power.²⁹ An interviewee described net zero and climate justice commitments as resonating with "significant but minority parts of society" with problems persuading the rest that it is the right thing to do. The interviewee emphasised lack of information on how hardships would be mitigated, rather than falling on those members of society with the least capacity to deal with them, as a core problem in this area. This highlights the overwhelming importance of building institutional capacity and public understanding on the importance of a just and human rights-based transition to a fossil-free

economy, something highlighted regularly at the international level.³⁰ Notably, the EU has set up a Social Climate Fund to support vulnerable people – such as households in energy or transport poverty – during the transition to a green economy, but this has no equivalent in the UK.³¹

ENVIRONMENTAL RIGHTS IN THE UK NATIONS

As environmental regulation is largely devolved, Brexit has led to divergences in the legal landscapes of England, Northern Ireland, Scotland and Wales. As far as funding is concerned, the Where the Green Grants Went (WGGW) report identifies that Scotland, Wales the South West and the North East of England receive higher levels of environmental grants from foundations and lottery funders, while Yorkshire, the East Midlands and Northern Ireland receive notably less.³² Interviewees also expressed concern that a number of environmental organisations rely (whether directly or indirectly) on government funding, which may constrain their ability to hold the government to account, underlining the importance of independent funding in this area.

England

In England, proposals for a Climate and Nature Bill, as well as an Environmental Rights Bill, have been unable to progress. The Environmental Law Foundation acts as a key legal hub, offering pro bono legal advice and support to communities on environmental law, engaging with the planning system and rights of nature. However, there is a gap in

²⁴ See 'United Kingdom downgraded in Global Ratings Report on civic freedoms', 16 March 2023. Available at monitor.civicus.org/country-rating-changes/uk.

²⁵ 'How protest is under threat in the UK', Friends of the Earth, at: policy.friendsoftheearth.uk/insight/why-protecting-freedom-protest-so-important and 'Court of Appeal Judgment on Just Stop Oil Sentencing': friendsoftheearth.uk/system-change/court-appeal-judgment-just-stop-oil-sentencing.

²⁶ See 'Statement regarding the four-year prison sentence imposed on Mr. Daniel Shaw for his involvement in peaceful environmental protest in the United Kingdom' by Michel Forst, UN Special Rapporteur on environmental defenders under the Aarhus Convention unece.org/sites/default/files/2024-07/ACSR_C_2024_26_UK_SR_EnvDefenders_public_statement_18.07.2024.pdf.

²⁷ See for example 'How the Political consensus on Climate Change has shattered', BBC, 2 May 2025 at www.bbc.co.uk/news/articles/cx20znjeiw1o.

²⁸ 'The year of elections: The rise of Europe's far right' by Ruth Green, International Bar Association, 30 September 2024. Available at: www.ibanet.org/The-year-of-elections-The-rise-of-Europes-far-right.

²⁹ 'Reform UK promises North Sea licences for taxpayer stakes in oil projects', *Financial Times*, www.ft.com/content/c174eef2-4da3-48dd-9c39-cb31ff0428ed.

³⁰ See, for example, 'Key Messages on a Just Transition and Human Rights' by the UN Office of the High Commissioner on Human Rights and the International Labour Organisation, available at: www.ohchr.org/sites/default/files/documents/issues/climatechange/information-materials/key-messages-hr-a-just-trans.pdf.

³¹ See EU Social Climate Fund page at: climate.ec.europa.eu/eu-action/carbon-markets/eu-emissions-trading-system-eu-ets/social-climate-fund_en.

³² Where the Green Grants Went report at p32.

coordinating and proactively advancing policy advocacy on environmental rights in England (including a convening space to discuss potential litigation), as well as coordination of work on the RHE between the four nations, and connection of national and international advocacy in the area. As a result, Wildlife and Countryside Link has conducted a Feasibility Study into the possibility of establishing an Environmental Rights Centre in England to undertake policy and project work on the RHE, environmental rights and the protection of environmental defenders. A similar body already exists in Scotland (see below).

Northern Ireland

Northern Ireland does not have an environmental regulator but protects rights through the Windsor Framework. Environmental legal hub organisations operating in Northern Ireland include the Environmental Justice Network Ireland (EJNI), which connects academics, NGOs and lawyers and delivers research, strategic litigation and advocacy, as well as the Public Interest Litigation Support Project (PILS) which provides/sources legal and financial support for cases, including on diesel emissions and opposition to an oil terminal. EJNI has recently produced a report for the North Ireland Human Rights Commission (NIHRC) on environmental and human rights, setting out how environmental protections and safeguards underpin the Belfast (Good Friday) Agreement.³³ In turn, the NIHRC is of the view that any post-Brexit diminution of environmental legislation on clean air may breach the Windsor Framework.³⁴ Ongoing environmental concerns in Northern Ireland include the pollution of Loch Neagh, the biggest water source in the country. Feedback from interviewees stressed the high potential for climate/environmental rights work in the Northern Irish context. It also highlighted how wins here could have positive implications for environmental protection across the island of Ireland as well as in the UK, belying the low levels of funding allocated to Northern Ireland.

Scotland

Scotland was a recent front runner in the protection of the RHE, with a proposal that it be included in a new Scottish Human Rights Bill. However, the Bill was dropped from the Scottish Government's Programme for Government for this parliamentary session. Following a feasibility study by Scottish Environment LINK, the Environmental Rights Centre for Scotland (ERCS) was set up to advocate for a RHE, full compliance with the Aarhus Convention, and overall improved environmental governance. The ERCS advocates for environmental rights, including the RHE, in Scotland, while also carrying out awareness raising, advice and representation, including setting up and facilitating an Environmental Justice Network. It sits on advisory boards informing development of the Scottish Human Rights Bill and supports capacity building for the public sector. It is also working with all political parties to include the RHE in their party manifestos. The CEO of the ERCS stressed that much work is still needed on advancing environmental and human rights in Scotland.

Wales

Post-Brexit, Wales still does not have a permanent governance body or system for environmental oversight. Progress at the governmental level on environmental rights appears to have stalled. Likewise, there is a gap in the civil society space at the intersection between environmental and human rights, with a lack of environmental legal hub organisations in Wales. An interviewee described the relationship between public bodies and Welsh NGOs as 'cosy', stressing the need for more 'outsider' advocacy (ie. externally-focussed advocacy towards public bodies). The Well-being of Future Generations Act (Wales) 2015 was flagged as a way of engaging with public bodies on the intersection between environmental and human rights concerns, through the perspective of protecting future generations.³⁵ Air pollution and flooding as a

³³ 'The Environment, Human Rights and the Windsor Framework', Brenan et al, February 2025. Available at nihrc.org/publication/detail/research-the-environment-human-rights-and-the-windsor-framework.

³⁴ NIHRC Briefing on the 'The Environment, Human Rights and the Windsor Framework', report available at nihrc.org/assets/uploads/news/NIHRC-Briefing-Environment-Human-Rights-and-the-Windsor-Framework.pdf.

³⁵ More information about the Act can be found here: futuregenerations.wales/discover/about-future-generations-commissioner/future-generations-act-2015.

result of climate change were highlighted as particular areas of environmental concern for the nation.

WAYS FORWARD: MUTUALLY REINFORCING THE PROTECTION OF THE ENVIRONMENT AND HUMAN RIGHTS

Overall, as the effect of EU-based environmental regulation and governance diminishes and the UK's dash for growth continues, environmental cases drawing on the Human Rights Act (HRA), which incorporates the ECHR into UK legislation, may play an increasingly important role. Legal work in this area could also be supported by the jurisprudence of the ECtHR and wider international case law. However, the HRA continues to be unfavourably viewed.³⁶ Furthermore, there is insufficient understanding in the UK of the importance of environmental rights and their connection with human rights – both at the political level and within environmental/social movements themselves.

The Trade and Cooperation Agreement (TCA) commits the UK to human rights protection, making it harder to withdraw from the ECHR (without preventing it).³⁷ In addition, the Belfast/Good Friday Agreement requires the ECHR to be part of the law in Northern Ireland.³⁸ Despite the challenging political and legal context across the UK, the critical nature of the environmental crisis means that “we do not have the luxury of despair”, as one interviewee put it. Another described the UK court system as an arena where it is still possible to exercise “defensive power” by holding the government accountable for political (in)action, with the possibility of creating progressive outcomes beyond individual case decisions.

As elaborated below, there are many opportunities for the two streams of human rights and environmental protection to mutually reinforce each other and bolster democracy more widely, providing a river of protection through an embattled landscape. The ultimate goal would be legal recognition of the RHE in UK law and its implementation in a manner that leads to fundamental social and environmental improvement in all four nations of the UK. The Foundation could play a pivotal role in supporting this to happen. Progress made in the UK could impact beyond its borders, presenting a path for countering environmental deregulation elsewhere, including within the EU.

WOULD THIS THEME PROTECT/ ADVANCE HUMAN RIGHTS TO PROMOTE INCLUSION, ENABLING CIVIL SOCIETY TO WORK WITH PEOPLE EXPERIENCING DISCRIMINATION AND DISADVANTAGE?

As noted by the UN General Assembly in its resolution on the RHE, the human rights consequences of environmental damage are felt most acutely by individuals and communities already in vulnerable situations. Climate change and other forms of environmental degradation are also indirect drivers of both conflict and migration.³⁹

The term ‘climate justice’ recognises that the most severe impacts of climate change are often faced by the communities and geographies that have done the least to contribute to them, who predominantly reside in the global south. This, rightly, puts the onus on countries in the global north, like the UK to take action. However, within Europe, disadvantaged populations face higher environmental hazards, leading to health impacts and inequalities.⁴⁰ In the UK environmental impacts are clearly

³⁶ The Lord Chancellor has called for the ECHR to ‘evolve’ while the Conservative Party is reviewing the UK’s commitment to international agreements such as the ECHR. See also ‘Echoes of Brexit as Starmer is pressed to seize initiative on human rights’ by Jessica Elgot in *The Guardian*, 18 June 2025: www.theguardian.com/law/2025/jun/18/starmer-pressed-to-seize-initiative-on-human-rights.

³⁷ ‘The Brexit deal locks the UK into continued Strasbourg Human Rights Court membership’, Frederick Cowell, LSE Blog, January 17th 2021: blogs.lse.ac.uk/brexit/2021/01/17/the-brexit-deal-locks-the-uk-into-continued-strasbourg-human-rights-court-membership.

³⁸ Explainer: ‘The European Convention on Human Rights’, UK in A Changing Europe available at: ukandeu.ac.uk/explainers/the-european-convention-on-human-rights.

³⁹ See for example ‘Conflict and Climate’ 12 July 2022. Available at unfccc.int/news/conflict-and-climate.

⁴⁰ See ‘Environmental Health Inequalities in Europe’, second assessment report, World Health Organisation Regional Office for Europe (2019). Available at: www.who.int/europe/publications/i/item/9789289054157.

differentiated on grounds such as geography, ethnicity, disability and income. As a result, environmental and social justice are deeply interlinked.

Ethnic minorities

Diaspora communities from the global south living in the UK may experience environmental harm both personally as well as through impacts on family and community members in their countries of origin. According to the Environmental Law Foundation, people of colour in England are more than three times more likely to live in a highly polluted area than white people.⁴¹ A 2023 briefing from the 'Everyone's Environment' programme highlighted that people from black, Asian and ethnic minority communities in low-income households in the UK, as well as those already experiencing health inequalities, are the most vulnerable to the impacts of the climate and nature crisis.⁴² The briefing identified other causes of environmental harm as poorly adapted housing, air pollution and lack of access to green spaces – all issues which engage human rights protections.⁴³ Resultingly, policies targeting fuel poverty, insulation, and air pollution have brought benefits to ethnic minorities.⁴⁴ Ethnic minorities and those living in deprived areas in England have been found to have a higher risk of dying from excess heat, possibly due to socio-economic factors such as housing or underlying health issues.⁴⁵ In Scotland, ERCS's Race & the Right to a Healthy Environment Research project has helped

to increase awareness of the intersection of poverty, place and race in access to healthy food and greenspace.⁴⁶

Disabled and older people

Older people and disabled people on low incomes in the UK have been found to be the least likely to have benefited from environmental policies introduced so far, with disabled people likely to benefit from less policies than older people, despite being subject to comparable risks.⁴⁷ Existing work done in this area includes a five-year collaboration between ERCS, the University of Exeter, Inclusion Scotland and Glasgow Disability Alliance on disability inclusive climate adaptation. Aiming to improve the inclusion of disabled people in emergency planning in Scotland, the project is informed by workshops with disabled people and a policy roundtable, with a full report and learning event planned for March 2026.

Other marginalised groups

ELF has found that over a million children under-18 in England live in areas where air pollution levels are double the WHO guidelines and that half of neighbourhoods with very high air pollution are in the bottom 30% of the most deprived neighbourhoods.⁴⁸ People living in deprived areas, minority ethnic groups and younger people are also less likely to live in areas with access to green space which in turn affects bone strength, weight, blood pressure and emotional and mental well-being in children, as well as physical and mental health

⁴¹ The Disproportionate Impact of Air Pollution on Minorities and Poor Communities' by ELF, 2024 elflaw.org/news/the-disproportionate-impact-of-air-pollution-on-minorities-and-poor-communities/ (Air Pollution Note).

⁴² 'Environmental changes hit people from ethnic minority communities in Britain harder', evidence review from the Everyone's Environment programme by the Race Equality Foundation and NPC Press release and briefing (May 2023) raceequalityfoundation.org.uk/press-release/environmental-changes-hit-people-from-ethnic-minority-communities-in-britain-harder/ and raceequalityfoundation.org.uk/wp-content/uploads/2023/05/How-will-the-climate-and-nature-crises-impact-people-from-Black-Asian-and-Ethnic-Minority-Communities.pdf (Everyone's Environment Briefing).

⁴³ Right to Life and Right to Health as protected under right to private and family life under HRA/ECHR.

⁴⁴ Everyone's Environment Briefing.

⁴⁵ 'Social determinants of heat-related mortality in England: a time-stratified case-crossover study using primary care records', Thompson et al, *BMJ Public Health*, 30 July 2025, available at: bmjpublichealth.bmj.com/content/3/2/e001111 cited in 'Ethnic Minorities in England at higher risk of heat-related deaths, says study' by Tobi Thomas *The Guardian* 30 July 2025 available at www.theguardian.com/environment/2025/jul/30/ethnic-minorities-poorest-england-higher-risk-heat-related-deaths-study.

⁴⁶ Race and the Right to a Healthy Environment: Full Report, ERCS, January 2025. Available at www.ercs.scot/resources/race-the-right-to-a-healthy-environment.

⁴⁷ 'How will the climate and nature crises impact older people and Disabled people?' briefing by the Everyone's Environment Programme with Re-engage and Disability Rights UK, Press Release and report available at www.thinknpc.org/resource-hub/everyones-environment-older-people-and-disabled-people.

⁴⁸ ELF Air Pollution Note: elflaw.org/news/the-disproportionate-impact-of-air-pollution-on-minorities-and-poor-communities.

in adults.⁴⁹ ELF also has found that marginalised communities are disproportionately impacted by water-related pollution, scarcity and inadequate infrastructure.⁵⁰

WOULD THIS THEME STRENGTHEN CIVIL SOCIETY?

The intersection between environmental harm and human rights holds significant potential for strengthening civil society through legal and human rights-based approaches, including campaigning, legal work and community engagement as well as capacity and coalition-building.

Supporting collaboration within social and environmental movements

Interview feedback corroborated the need for solidarity within the environmental movement, as well as between environmental and social movements. One interviewee said, “the lack of join-up in our movement is exposing us. When the Government has a proactive agenda, only pulling together will work.” Another highlighted the value of collaboration in countering both the threat posed to human rights legislation, as well as public fear and fatigue concerning climate change. In their view, engaging with human rights in the context of clean air and water, for example, created the potential to move away from the politicisation of these core needs. Relatedly, an interviewee emphasised the importance of collaboration on overarching narratives across movements rather than single issue-focussed narratives. The CEO of the ERCS stressed that collaborative activities strengthen all who take part and making explicit how the RHE underpins all other human rights facilitates understanding, helping organisations come out of their silos. In a similar vein, a funder interviewee stressed that varied coalitions ‘remind people of where we are and could be’, adding that any approach which put the human rights and environmental communities in conversation with each other was ‘a good thing’. This could happen through topic-based gatherings: for example, the

EJNI highlighted how convening an event on just transition resulted in the engagement of environmental, social and human rights organisations. Additionally, an interviewee emphasised the importance of highlighting the HRA’s inherent value within campaign narratives, in order to advance understanding and protect it, rather than simply using it as a means to advance other ends.

Building resilience within the environmental movement

One interviewee highlighted the risks of environmental rights work being painted as the domain of “the woke activist lawyer type” through negative media coverage, or of SLAPP suits being brought against organisations doing such work. In consequence, they emphasised the importance of strengthening civil society to respond to such risks. At the same time, another interviewee advised funders to be prepared for criticism/attack for their funding choices by proactively developing narratives centring the legitimacy of the areas being supported, rather than reacting to counter-narratives set by others. Building resilience also requires reflection on how to guard against health challenges such as burnout. One interviewee mentioned Climate Emergence as an organisation that aims to support the wellbeing of the sector, with a particular interest in the funder and grantee dynamic.

Strengthening community relationships

An interviewee expressed the view that a top-down framework for addressing the intersection between environmental and social justice is “not coming any time soon” meaning that leadership would come from the grassroots. This favours the empowerment of local communities, who are also on the front line of protecting their environments. The ‘Everyone’s Environment’ programme made up of over 80 social and environmental charities urges charities and their funders to support different social groups to be part of the solution to the environmental crisis.⁵¹

⁴⁹ See ‘Inequalities in Access to Green Space’ by The Health Foundation www.health.org.uk/evidence-hub/our-surroundings/green-space/inequalities-in-access-to-green-space and ‘Children living near green spaces ‘have stronger bones’ by Damian Carrington, *The Guardian*, January 2024 at www.theguardian.com/environment/2024/jan/13/children-living-near-green-spaces-stronger-bones-study.

⁵⁰ ‘Water poverty still persists in the UK – how can we achieve water justice?’, by ELF, March 2024 elflaw.org/news/water-poverty-still-persists-in-the-uk-how-can-we-achieve-water-justice.

⁵¹ www.thinknpc.org/influencing/everyones-environment.

One interviewee spoke to the possibility of connecting communities facing common climate challenges – for example coastal communities campaigning on flooding or care homes navigating heat stress – for mutual support and to amplify advocacy. Another expressed the importance of moving away from a human-centric definition of community to one that encompasses both humans and non-humans. In the Northern Irish context, interviewees highlighted how environmental work has brought communities together across sectarian divides, with the Troubles already having attuned people to the importance of rights-based issues.

Capacity-building

Legal action is arguably one of the most challenging kinds of advocacy for a community group. An interviewee explained how other kinds of environmental campaigning, such as engaging in the planning process, enable communities to develop important skills, building towards legal cases if needed. The interviewee also emphasised the importance of community involvement in the planning system as an opportunity to engage with place-making and local democracy. They described how the process of forming an action group can be very bonding for communities and strengthen their togetherness. Such groups can continue even after their original aim has fallen away, having developed the knowledge and relationships to continue their work.

Developing leadership

Disproportionately impacted communities, highlighted previously as victims of environmental harm, can also be powerful agents of environmental change, when given the opportunity. In Scotland, the ERCS has worked with MECOPP Gypsy/Travellers Service to identify the range of environmental problems the Gypsy/Traveller Community face, building capacity to engage with local authorities on issues such as contaminated land and access to play areas. Environmental impacts on ethnic minorities led to the advocacy for Ella's law and London's Mayor, Sadiq Khan, was one of the first to raise public awareness of the disproportionate impacts of air pollution on people of colour in London as part of campaigning for the ULEZ.⁵² There is also evidence that ethnic minority communities are more likely to want green jobs and to start cycling.⁵³ Yet 2021 figures show that only 4.8% of UK environmental professionals had an ethnic minority heritage, the lowest figure of any sector other than farming.⁵⁴

A human rights-based approach to environmental harm supports representation of groups who are marginalised within environmental advocacy, empowering those most impacted by the environmental harm to be part of the response to it. Legal examples include Doug Paulley, a disability rights activist and a co-claimant in a human rights-based climate adaptation case with environmental NGO Friends of the Earth.⁵⁵ Likewise, KlimaSeniorinnen was a case brought by older women, a grouping particularly vulnerable to climate change.

⁵² Long Read: The RACE Summit: Climate Justice means justice for all, August 2024 www.race-report.uk/news/long-read-the-race-summit-climate-justice-means-justice-for-all.

⁵³ Everyone's Environment Briefing: raceequalityfoundation.org.uk/wp-content/uploads/2023/05/How-will-the-climate-and-nature-crises-impact-people-from-Black-Asian-and-Ethnic-Minority-Communities.pdf.

⁵⁴ 'Environmental Sector has failed to become more diverse, Study suggests', Damian Gayle, *The Guardian*, 5 October 2022 www.theguardian.com/environment/2022/oct/05/environment-sector-has-failed-to-become-more-inclusive-study-suggests.

⁵⁵ 'Campaigners take government's climate adaptation plan to ECHR', Friends of the Earth press release friendsoftheearth.uk/latest/campaigners-take-governments-climate-adaptation-plan-echr.

Funding considerations

DISTINCTIVENESS/IMPACT OF FUNDING

Bridging the environmental/human rights divide

The Where the Green Grants Went (WGGW) report notes that there is increasing recognition within environmental philanthropy 'of the ways that environmental issues intersect with justice and equity.'⁵⁶ Yet environmental rights/justice is not included as a thematic issue in its breakdown of environmental funding.⁵⁷ Interviewee feedback pointed to a dearth of funders who understand the link between the environment and human rights and/or who are willing to provide core funding for work in this area. An interviewee explained that before encountering the Foundation, it had struggled for at least a decade to persuade funders that there was a link between the environment and human rights. A funders' network described themselves as 'constantly' hearing from groups about a lack of a mechanism to fund the intersection between the two areas. One interviewee described 'a failure to see the interconnection' between human rights and the environment at a funder where they had worked. Another funder interviewee highlighted added that an attempt to set up an environmental and human rights programme within their organisation had failed due to a lack of understanding of the connection between the two areas.

In response, interviewees encouraged the Foundation to step forward to help bridge the divide. One commented that bringing human rights into the heart of environmental work would be an innovation, encouraging other funders to contemplate the overlap between the two areas. Similarly, another funder described 'making some parts of civil

society better bedfellows' as an innovation. This is supported by the WGGW report, which highlights the importance of locating grant-making within a collective attempt at movement-building, including filling gaps in capacity. The report notes that through collaboration, US foundations and others were able to obstruct progress on environmental protection and weaken rules.⁵⁸ It goes on to highlight that progressive funders increasingly operate within the policy context created by funders seeking to obstruct their agendas. As a result, it suggests that the 'big-picture,' movement-based approach taken by the latter bears reflecting upon.⁵⁹ The urgency of this is apparent from a recent conference attended by the author of this report, when a philanthropy organisation working with progressive US funders relayed their message to 'make sure you've done everything you can to avoid the situation we're in now'. Within the funding ecosystem, the WGGW report acknowledges the ability of smaller foundations to 'provide grants with a faster turnaround time and support catalytic initiatives'.

One funder interviewee expressed the view that funding at the environment/human rights intersect, while necessary, wouldn't be distinct, as organisations like their own also had an intersectional lens, even if they were not as explicit about it. It is unclear whether this less-explicit commitment would be evident to potential grantees. In any case, the interviewee added that such funding remained necessary and that a modern-day funding portfolio that didn't feature environmental harm would raise questions about whether the funder was addressing the pressing concerns of the day.

⁵⁶ Where the Green Grants Went (WGGW) Report p52.

⁵⁷ WGGW Report p23.

⁵⁸ WGGW Report p35.

⁵⁹ WGGW Report p37.

Impact of the Foundation's existing support in this area

Interviewees described the Foundation's support in this area as 'critical' and 'game-changing', highlighting not only the value of the consistent funding provided to grow a staff team, but also the confidence this provided to other funders to also support the organisation. The facilitation by the Foundation of wider peer relationships was also commended as 'invaluable'. However, one interviewee expressed concern about restricting funding only to issues falling within the purview of environmental and human rights, explaining that it was not able to control 'what came through the door' in terms of requests for legal support and that a sole environmental rights focus might prevent it from working in other areas such as responding to the threat of the Far Right, or housing issues. This could be countered by adopting a definition of environmental rights and justice that recognises its connection with social and economic justice and the importance of taking an intersectional approach to work this area. Alongside this, the Foundation might wish to make explicit that any environmental and human rights focus to its programme would not, of course, preclude grantee work in other areas.

Filling in the gaps

In terms of potential focus areas within the theme of environment and human rights, one interviewee suggested that a strategic focus of inclusion in environmental work would be a 'very valuable and unique' addition when there 'were a large number of communities that were less engaged and more at risk than the communities who were [engaging]'. They took the view that such an approach would benefit marginalised communities as well as society at large. Adopting this approach may require some changes in working style for legal hubs who take a solely responsive approach to legal representation, rather than using a level of outreach to determine which groups to support. ERCS have addressed this through the role of an outreach worker, who allocates a day a week to working in the areas of highest deprivation. Another interviewee pointed out that groups in vulnerable situations contemplating litigation need a wide ecosystem of actors in place to support them through what can be a gruelling

process. This might include communications, interpersonal support, case management and so on. They highlighted that it can be difficult to obtain core funding for such tasks.

A funder interviewee stressed the importance of funding 'infrastructure' in the third sector, including 'everyday' needs like legal advice. In their view, such funding (which they did not provide) would give the third sector access to resources that it might not otherwise be able to afford, or which were not set up to resource it. This type of support is provided by organisations such as PILS which has collaborated on legal cases both with major environmental NGOs such as Friends of the Earth, as well as small local campaign groups. Another interviewee pointed out that if lawyers are concentrated in a hub, it might be hard for organisations to know when to approach them, again making outreach necessary. It was also pointed out that engaging an external legal team would require a mixture of core and project costs.

GRANT-MAKING APPROACHES

Long term, flexible, core funding

There was strong support among interviewees for core funding as being both rare and essential. One interviewee commented: 'Funders want innovation – rather than [providing funding] for difficult but important routine work'. Another described the Foundation's approach relating to core funding as 'transformational' and 'of itself innovative and becoming more unique now'. This is supported by the WGGW report which refers to grantmakers' 'often-observed preference for seeking newness and innovation, at the expense of the long-term investment needed to build a stable base of effective CSOs'.⁶⁰ It notes that this is a particular problem in the environmental context where 'there are few quick fixes: whether you are focused on changing the law or policies, addressing attitude and behaviour changes, or building power at the community level, etc. you will need sustained effort over the long term'. As noted by one interviewee, polluters have deep pockets and are willing to try again and again until they are successful. In response, one funder suggested that funding should be

‘unrestrictive, long term, supportive, relational’, advocating multi-year funding and choosing some ‘anchor’ organisations who are able ‘to do something very well’. They distinguished this approach of funding a number of organisations to ‘have a go at something’ from ‘infrastructure’ funding aimed at providing a service to the sector discussed at [page 16 – filling in the gaps] above. However, there are overlaps between the two approaches in the area of environmental human rights. Long-term funding would also address the need identified by an interviewee to balance responding to short-term threats with sustained work aimed at positive transformation of the status quo.

Risk-taking

The WGGW report noted a call for more risk-taking among funders: ‘think and act as if we are in an emergency – we are!’⁶¹ This would include being prepared for funded projects to fail. Relatedly an interviewee highlighted that funders often have a good understanding of what strategies are working in an area and this is critically important information that could be shared more widely with NGOs, enabling a collective analysis of ways forward.

OPPORTUNITIES FOR COLLABORATION

The WGGW identifies lack of information on environmental funding as a challenge to collaboration and attempts to address this by listing the foundations on which data is available and thematic areas of grants.⁶²

The Environmental Funders Network (EFN), which commissioned the WGGW report, acts as a convenor to increase the volume and effectiveness of environmental funding.⁶³ It is keen to support funders to coordinate around thematic issues, for example through its Earth Funding Lab. Equalities, justice and human rights are considered through its ‘economies in service to life’ theme. Likewise, Ariadne is a European funders network focused on human rights and social change, working on issues including environmental and climate justice.⁶⁴ Additionally, the National Lottery Community Fund is channelling 15% of its funding into environmental projects from 2030 and is happy to co-fund community advisory work on environmental matters.⁶⁵ Notably, a number of funder interviewees commended the Foundation for its collaborative approach in seeking their views for this research report.

⁶¹ WGGW Report p51.

⁶² See WGGW Report Appendix IV.

⁶³ See www.greenfunders.org.

⁶⁴ See www.ariadne-network.eu/what-we-do.

⁶⁵ See e.g. www.tnlcommunityfund.org.uk/funding/programmes/climate-action-fund-our-shared-future.

List of interviewees

The author expresses her gratitude to interviewees from the organisations listed below for their rich insights, which made a powerful contribution to the preparation of this report.

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