

## IMPLEMENTATION REPORT

### Summary of the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John Knox (A/HRC/31/53)

\*The report is available in all UN languages at:

<http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/ImplementationReport.aspx>

In Resolution 28/11, the Human Rights Council requested the Special Rapporteur to “promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,” to disseminate his findings by “continuing to give particular emphasis to practical solutions with regard to their implementation”.

To fulfill Resolution 28/11, the Special Rapporteur, with the support of OHCHR and UNEP, organized an expert seminar on 26 and 27 October 2015. He also held a public consultation on 28 October 2015. In addition, in response to questionnaires sent on 7 October 2015, the Special Rapporteur received more than 40 written submissions.

Drawing on all those sources, the report describes possible methods of implementing human rights obligations relating to the enjoyment of a healthy environment. The proposals are addressed to: (a) the Human Rights Council and other international organizations; (b) regional human rights bodies and other regional organizations; (c) national governments; (d) civil society organizations; and (e) the Special Rapporteur himself.

#### 1. HUMAN RIGHTS COUNCIL AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

A number of proposals involving Human Rights Council are introduced in the report:

- the provision of forums in which the human rights community and the environmental community can come together to share views and experiences;
- the organization of a panel discussion at a Council session that focuses on methods of strengthening implementation of the human rights relating to the environment;
- the greater use of the universal periodic review mechanism as an effective tool to examine State’s compliance with human rights obligations related to the environment; and
- the possibility for the Human Rights Council to adopt a resolution recognizing the important role played by environmental human rights defenders that builds on the resolution on human rights defenders adopted by the General Assembly in December 2015.

As important a role as the Human Rights Council plays in this area, a human rights perspective on environmental issues can only be implemented effectively if and when it is mainstreamed into the work of different inter-governmental organizations. The report illustrates the steps already taken by several agencies, such as the UNEP, UNDP, IOM and UNICEF, and also provides some concrete ideas for going forward.

#### 2. REGIONAL HUMAN RIGHTS BODIES AND OTHER REGIONAL ORGANIZATIONS

Regional bodies in Africa, the Americas, and Europe have done a great deal to clarify the application of human rights norms to environmental issues, including through their decisions

on complaints and their publication of resolutions and reports. The report addresses the work of the Inter-American Commission on Human Rights and the Working Group on Extractive Industries, Environment and Human Rights Violations established by the African Commission on Human and Peoples' Rights in this area.

Implementation of human rights obligations relating to the environment has also been undertaken through regional agreements implementing rights of information, participation and remedy. The leading example is the Aarhus Convention adopted by States members of UNECE. A more recent initiative is the negotiation by twenty member States of ECLAC of a regional agreement on rights of access to information, participation, and remedy.

Other regional bodies, such as ASEAN, could consider the adoption of similar regional conventions and agreements, which would complement ongoing efforts by the ASEAN Intergovernmental Commission on Human Rights to integrate a human rights perspective on environmental and climate change policy making.

### **3. GOVERNMENT AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

States are already undertaking a wide array of measures to implement human rights obligations relating to the environment, as the “good practices” report explains (A/HRC/28/61). But much remains to be done to adopt the good practices more widely and to ensure their effective implementation.

- States that have not yet done so should consider adopting a right to a healthy environment into their national constitution and strong environmental laws ensuring, among other things, rights to information, participation and remedy;
- States should consider establishing dedicated environmental courts and/or modifying standing requirements to facilitate resolution of environmental cases;
- States should continue to cooperate with the national and regional country offices of UNDP, UNEP and OHCHR to mainstream a human rights perspective into their environmental programs and activities;
- States should integrate SDGs into national priorities which provides an opportunity for States to advance human rights related to the environment; and
- States need to create an enabling environment with appropriate safeguards for environmental human rights defenders.

### **4. CIVIL SOCIETY ORGANIZATIONS**

Civil society organizations have engaged in many exemplary practices to facilitate the implementation of human rights related to the environment.

The report highlights three methods of implementation that are particularly useful:

- civil society organizations have taken the lead in pioneering efforts to protect environmental human rights defenders from harassment and violence;
- the World Resources Institute and The Access Initiative (TAI) published an Environmental Democracy Index, which measures country-specific realization of the procedural rights of access to information, access to justice and public participation relating to environmental protection; and
- conservation organizations are increasingly relying on a human rights perspective in their work.

## 5. THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND THE ENVIRONMENT

From the beginning of the mandate, the Special Rapporteur has believed that clarifying human rights obligations relating to the environment, as well as identifying good practices in the use of such obligations, are necessary (although not sufficient) factors in promoting implementation of those norms. In accordance with Resolution 28/11, he intends to continue to clarify human rights norms and identify good practices.

The Special Rapporteur has taken a more active role in initiating communications to governments about complaints of human rights violations relating to the environment. He has requested countries for invitations to conduct country missions, and he also intends to visit international institutions where appropriate.

Other suggestions for the Special Rapporteur to strengthen implementation include:

- to develop and disseminate guidelines to facilitate better understanding of the human rights obligations relating to the environment;
- to develop handbooks or other accessible tools, such as short briefing papers and case studies;
- to establish a database to share knowledge concerning national and international jurisprudence in relation to environmental matters;
- to continue to promote the protection of environmental human rights defenders; and
- to strengthen collaboration with other human rights mechanisms, including the Working Group on the issue of human rights and transnational corporations.

The Special Rapporteur received many other suggestions concerning areas that need further clarification and analysis, including with respect to ecosystems protection, transboundary environmental harm, chemical and waste management, air pollution control, the human rights dimensions of fracking, the right to a remedy in cases involving environmental destruction, children's rights in relation to the environment, and the situation of environmental migrants.

**Mandate of the Special Rapporteur on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John H. Knox**

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