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Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment

Individual Report on the Special Procedures of the

United Nations Human Rights Council

Report No. 7

Prepared for the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment

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# INTRODUCTION

1. This report outlines human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment, as they have been described by certain Special Procedures appointed by the United Nations Human Rights Council.
2. This report is one of a series of reports that examine human rights obligations related to the environment, as they have been described by various sources of international law. Other reports in the series examine obligations as they have been elaborated under the United Nations’ core human rights treaties; the regional human rights systems; the Special Rapporteur on the rights of indigenous peoples; and multilateral environmental agreements and non-binding international environmental instruments.
3. This mapping exercise supports the work of the United Nations Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Human Rights Council resolution 19/10 requests the Independent Expert, *inter alia*, to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and to identify and promote best practices on the use of human rights obligations and commitments to inform, support and strengthen environmental policy making.
4. The Independent Expert is undertaking this mapping exercise to provide greater conceptual clarity to the application of human rights obligations related to the environment. The goal is to provide a strong evidentiary basis, grounded primarily in existing international human rights law, for the clarification of the human rights norms relevant to the environment.

## Summary of the Research Process

1. The very large number of reports and other statements issued by Special Procedures made it necessary to restrict the scope of the research. First, only those mandates were reviewed that seemed especially relevant to human rights and the environment. Specifically, reports of the following Special Procedures were reviewed:

###### the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;

###### the Special Rapporteur on the right to education;

###### the Special Rapporteur on extreme poverty and human rights;

###### the Special Rapporteur on the right to food;

###### the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

###### the Special Rapporteur on the situation of human rights defenders;

###### the Special Representative of the Secretary General human rights of internally displaced persons and the Special Rapporteur on this issue;

###### the Independent Expert on minority issues;

###### the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;

###### the Special Rapporteur on the human rights of migrants;

###### the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and the Working Group on this issue; and

###### the Special Rapporteur on the human right to safe drinking water and sanitation.

A separate report examines the views of the Special Rapporteur on the rights of indigenous peoples.

1. Second, only reports issued in the last five to ten years were reviewed for each Special Procedure. And, finally, while all annual reports to the Human Rights Council and the General Assembly during this period were reviewed, many but not all country reports were reviewed.
2. Despite these limitations, this report provides a solid basis for understanding the range and depth of the statements of Special Procedures on environmental issues.

## Overview of the Report

1. The remainder of the report presents the main findings of the research. Section II describes how the Special Procedures have connected environmental harm to infringements of particular human rights. Section III discusses human rights obligations relating to the environment. These obligations include procedural obligations, substantive obligations, and obligations relating to members of a specific group, namely indigenous peoples. Section IV addresses rights and obligations pertaining to various cross-cutting issues that cut across a range of possible rights and duties, including duties relating to transboundary environmental harm and duties relating to non-state actors.
2. Within each section, subsections address specific rights and duties. Each subsection groups the relevant statements according to the Special Procedure that made them.

# Human Rights Threatened by Environmental harm

## Right to Life and Physical Integrity

1. **Extreme Poverty.** The Independent Expert on extreme poverty, Magdalena Sepúlveda Carmona, noted that disproportionate exposure to natural disasters or environmental hazards threatens the life or health of persons living in poverty.[[1]](#footnote-1) She further explained that environmental degradation disproportionally affects people living in extreme poverty and that extreme weather events such as storms, droughts and cyclones, including those resulting from climate change, “pose real and direct threats to their ability to live their lives in dignity.”[[2]](#footnote-2) She stated, “In most cases, they rely on natural resources for their basic means of survival and are less able to prepare for, or adapt to, climate change and its effects.”[[3]](#footnote-3)
2. With respect to climate change, she noted that “[e]xtreme weather events caused by climate change can create vicious circles by increasingly forcing persons living in extreme poverty to over-exploit natural resources as a coping mechanism to ensure survival.”[[4]](#footnote-4)
3. **Toxic Wastes.** The Special Rapporteurs on toxic waste have made many statements on the effects of hazardous and toxic substances on human rights. For example, the Special Rapporteur on toxic waste from 2004 to 2010, Okechukwu Ibeanu, stated, “Toxic chemicals may constitute serious threats to human rights, the most serious being the right to life of the 47,000 persons estimated by WHO to die every year as a result of poisoning from chemicals like pesticides.”[[5]](#footnote-5) He explained that exposure to toxic chemicals can occur in various ways, including: exposure to everyday household and food products; exposure arising from employment in particular sectors (e.g., agricultural or the mining sector); exposure to chemicals in the disposal phase (e.g., electronic products and end-of-life ships); and exposure as a result of an accident (e.g., a leak from a pesticide plant).[[6]](#footnote-6)
4. According to Calin Georgescu, the Special Rapporteur on toxic waste from 2010 to 2012, pathological waste, a type of infectious waste, can also pose a threat to the right to life through its potential to transmit life-threatening diseases, such as acquired immune deficiency syndrome (AIDS), viral hepatitis, typhoid fever, meningitis, and rabies.[[7]](#footnote-7) Georgescu explained that although “pathological waste, including anatomical waste, is often incinerated, there are several reports of illegal disposal together with non-hazardous municipal waste or illegal dumping in many regions of the world.”[[8]](#footnote-8)
5. The Special Rapporteur further highlighted that the improper handling or disposal of hazardous medical waste can result in death, permanent or temporary disability, or injury.[[9]](#footnote-9) He cited a specific case in 1988 where four people died from acute radiation syndrome following the improper disposal of equipment for radiotherapy treatment in Goiânia, Brazil.[[10]](#footnote-10) He noted similar accidents in Algeria in 1978, Morocco in 1983, and Mexico in 1962 and 1983.[[11]](#footnote-11) He also explained that an assessment of the disposal of medical waste in developing countries revealed that there are widespread deficiencies in the design, construction, siting, operation, and management of small-scale medical waste incinerators.[[12]](#footnote-12) Such deficiencies create major health concerns, including low temperatures, incomplete waste destruction, inappropriate ash disposal and dioxin emissions, which can be 40,000 times higher than the emission limits established by the Stockholm Convention.[[13]](#footnote-13) Furthermore, he noted that small-scale incinerators used in developing countries also release significant amounts of other hazardous pollutants through gaseous emissions, fly and bottom ash, and occasionally through wastewater.[[14]](#footnote-14)
6. Another threat to the right to life discussed by Okechukwu Ibeanu is from the use of chemical weapons, which involve the release into the environment of a chemical substance in order to hamper the opponent’s military operations.[[15]](#footnote-15) Despite the prohibition on chemical weapons, he noted cases in which industrial chemicals were used as weapons in armed conflicts. The adverse effects on the right to life depend on the toxicity of the product used, the quantities released into the environment, and the proximity of the population centers.[[16]](#footnote-16)
7. Pesticide poisoning is another issue of concern that Special Rapporteur Ibeanu has raised. He referred to a World Bank report that found 355,000 people worldwide die each year from acute pesticide poisoning.[[17]](#footnote-17) He stated, “The problems posed by pesticides are more acute in developing countries, due to the large number of people employed in the agricultural field, weak or non-existing regulatory regimes and little public awareness of the potential health and environmental harm caused by pesticide exposure.”[[18]](#footnote-18) He also noted that 25 million agricultural workers suffer from work-related diseases, such as cancer, endocrine system disruption, and reproductive and neurological disorder linked to long-term exposure to hazardous pesticides.[[19]](#footnote-19)
8. **Human Rights Defenders.** Both the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani (2000-2007), and her successor the Special Rapporteur on human rights defenders, Margaret Sekaggya (2008-2014), have highlighted the high level of threats and reprisals to the human rights of land and environmental defenders. Jilani noted that between 2000 and 2007 she “sent 81 communications dealing with violations of the rights of defenders working on issues of land rights, natural resources such as oil, gas, forests and water, environmental issues such as pollution and waste-dumping and related issues.”[[20]](#footnote-20) She stated, “Defenders working on land rights, natural resources or environmental issues seem to be particularly vulnerable to attacks and violations of their rights under the Declaration on Human Rights Defenders in countries of Latin America and in parts of Asia.”[[21]](#footnote-21) With respect to the right to life, she further stated that:

According to the statistics of communications sent by the Special Representative, the second most vulnerable group when it comes to the danger of being killed because of their activities in the defence of human rights, are defenders working on land rights and natural resources. The Special Representative has sent communications on at least 35 defenders who have been allegedly killed for this reason since the establishment of the mandate. In the Philippines alone, more than 14 defenders working on issues of land rights and agrarian reform have reportedly been killed during 2006.[[22]](#footnote-22)

1. According to Special Rapporteur Sekaggya, between 2006 and 2011, the mandate sent 34 communications regarding defenders working on land and environmental issues in connection with the activities of extractive industries as well as construction and development projects.[[23]](#footnote-23) She explained that the “main context in which these violations occurred was ongoing land disputes with both State and non-State actors, including multinational corporations and private security companies.”[[24]](#footnote-24) She further elaborated that:

According to the information received, defenders working on such issues seem to face a high risk of violations to their physical integrity, including attempted killings (Brazil, Ecuador), killings (Brazil, Cambodia, Ecuador, El Salvador, Honduras, Mexico, Philippines), attacks (Brazil, Mexico, Papua New Guinea), assault and ill-treatment (Philippines), and excessive use of force by the police during demonstrations (India). They have also been subjected to threats and death threats (Brazil, El Salvador, Guatemala, Mexico, Nigeria, Peru, Philippines) and different forms of intimidation (Peru, Bahamas, Brazil, Guatemala, Papua New Guinea) and harassment (China, Mexico, Peru).[[25]](#footnote-25)

1. Sekaggya noted that defenders working in the Americas faced the highest risk of death as a result of their human rights activities and were the subject of the most communications.[[26]](#footnote-26) She specified that this “particular group of defenders in this region also faced a wide range of other violations such as death threats, attacks, attempted killings, intimidation, harassment, as well as stigmatization and discrediting campaigns.”[[27]](#footnote-27)
2. According to the information Sekaggya received, defenders working on land and environmental issues as they relate to indigenous peoples and minorities also face a risk of violation to their physical integrity in the form of killings, attempted killings and physical attacks.[[28]](#footnote-28) These defenders also face death threats, other threats, harassment and intimidation.[[29]](#footnote-29)
3. According to Special Rapporteur Sekaggya, women defenders working on land and environmental issues have been subjected to threats against their physical integrity including: killings, mostly in the America region; excessive use of force during protests; and attacks by armed assailants.[[30]](#footnote-30) They have also received threats and death threats.[[31]](#footnote-31)
4. Finally, the Special Rapporteur received allegations that journalists working on land and environmental issues have been killed, and subjected to physical attacks, death threats and different forms of intimidation.[[32]](#footnote-32)

## Right Not to be Falsely Imprisoned

1. **Human Rights Defenders**. Special Rapporteur Sekaggya described that a large number of communications sent to her between December 2006 and May 2011 concerned allegations of human rights defenders working on environmental and land issues, including allegations that many such defenders have been subjected to arrest and arbitrary detention.[[33]](#footnote-33) Sekaggya observed that “human rights defenders are commonly branded as being against development if their actions oppose the implementation of development projects that have a direct impact on natural resources, the land and the environment,” including the construction of hydroelectric power stations, electric pylons, dams, highways and cement factories, and the operations of various extractive industries.[[34]](#footnote-34) She has received allegations that defenders working for the rights of indigenous peoples and minorities have been subjected to arrest (India) and detention (Chile, New Zealand, Brazil, Nepal, Bangladesh, and Tanzania).[[35]](#footnote-35) They have also faced criminalization in the form of accusations of possession of illegal weapons, land-grabbing, and terrorism-related offenses.[[36]](#footnote-36) According to information she has received, women defenders working on land and environmental issues have been sentenced to prison on charges of extortion and blackmailing following a trial allegedly without legal representation (China); and have been arrested and arbitrarily detained (India, Nepal, and Nigeria).[[37]](#footnote-37) Journalists working on land and environmental issues have faced charges of espionage (Iran), been arrested (China), and have been arbitrarily detained without access to lawyers (Nigeria).[[38]](#footnote-38)

## Right to an Adequate Standard of Living, Including the Rights to Adequate Housing, Adequate Food, and Safe and Clean Drinking Water and Sanitation

1. **Internally Displaced Persons.** The Special Representative of the Secretary-General on the human rights of internally displaced persons from 2004 to 2010, Walter Kälin, stated, “If essential food and potable water cannot be provided due to environmental degradation or soil contamination after a disaster, an adequate standard of living cannot be ensured” for internally displaced persons.[[39]](#footnote-39)
2. The Special Rapporteur on internally displaced persons from 2010 to the present, Chaloka Beyani, described the impact climate change has on the right to an adequate standard of living and other rights, such as the right to water and housing. Beyani stated that in the Maldives, “for example, climate change and other factors impacting low-lying island environments are already affecting the rights of those residents, including the right to housing, safe water, health, and an adequate standard of living.”[[40]](#footnote-40) Beyani added, “The erosion of livelihoods, in part provoked by climate change, is considered a key push factor for the increase in rural-to-urban migration, most of which will be to urban slums and informal settlements offering precarious living conditions.”[[41]](#footnote-41)
3. **Water.** The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, has endorsed the contents of and supported the recommendations of a position paper on climate change and the human rights to water and sanitation.[[42]](#footnote-42) This study concluded that climate change is an obstacle to the realization of the human rights to water and sanitation and that climate change has a number of deleterious effects on humans and their environmental surroundings because of its impact on water resources. According to the paper:

Water is a key medium through which climate change impacts upon human populations and ecosystems, particularly due to predicted changes in water quality and quantity. The impacts of climate change need to be seen in light of its direct effects on water resources as well as its indirect influence on other external drivers of change, in particular increasing population pressures and changing consumption patterns.[[43]](#footnote-43)

1. The paper also asserted that it has become clear that “climate change will increase water stress in already dry areas, and will undermine water quality in areas flooded either by rain or by sea water. Areas particularly sensitive to climate change are coastal zones and cities, estuaries and deltas, watersheds, mountains, small islands and arid regions.”[[44]](#footnote-44) Moreover, the paper predicted that “the overall availability of water will be seriously impacted by climate change mainly through drought, the decline in water supplies stored in glaciers and snow cover, and flooding.”[[45]](#footnote-45) In already arid areas, climate models predict a major decrease in water availability due to climate change.[[46]](#footnote-46)
2. Furthermore, the paper tied climate change to increasing rates of water pollution and salinization, and stated that this decline in water quality will reduce the availability of potable drinking water. The paper specified that “[i]ncreasing water temperatures, higher or lower groundwater levels, floods and droughts raise the threat of heightened micro-organisms, chemical substances and radiological hazards in drinking water,” and that “[f]loods and droughts will exacerbate many forms of water pollution such as sediments, nutrients, organic carbon, pathogens and pesticides, and may distribute human excreta and its attendant health risks across entire neighbourhoods and communities.”[[47]](#footnote-47) Moreover, sea-level rise will lead to increased salinization of groundwater.[[48]](#footnote-48)
3. In general, although the paper acknowledged that meeting a human right to water and sanitation is a function of power, poverty, and inequality, and a failure of governments to prioritize water allocation, it nevertheless concluded that “the goal of improved safe access to drinking water will certainly be much harder to achieve in regions where runoff and groundwater recharge decrease as a result of climate change.”[[49]](#footnote-49)
4. **Housing.** The Special Rapporteur on adequate housing, Raquel Rolnik, has linked climate change with many human rights impacts.[[50]](#footnote-50) According to the Special Rapporteur, climate change-induced extreme weather events pose risks to the right to adequate housing in urban settlements, smaller settlements and small islands.[[51]](#footnote-51) The Special Rapporteur cautioned that the implications of climate change will be severe, particularly for low-income groups and those living in countries that lack the resources, infrastructure and capacity necessary to protect their populations.[[52]](#footnote-52)
5. Rolnik also noted the impacts of climate change on groups in vulnerable situations, such as women, children and the poor. Rolnikexplained that poor communities can be especially vulnerable to climate change-related impacts, “in particular those concentrated in unplanned and unserviced settlements within urban areas, which tend to be built on hazardous sites and to be susceptible to a number of climate change-related disasters.”[[53]](#footnote-53) She stated, “Living in a situation of poverty and exclusion, they lack adequate resources to protect themselves. Climate change-related effects aggravate existing risks and vulnerabilities.”[[54]](#footnote-54)
6. For example, she explained that slums are usually located in the most hazardous areas within cities and lack the resources necessary to have the basic infrastructure and services required to protect dwellers from environmental disasters.[[55]](#footnote-55) Thus, Rolnik noted that among the urban dwellers, those that are impoverished are at the greatest risk from the direct and indirect impacts of climate change.[[56]](#footnote-56)
7. She also noted that the decrease in water supply due to climate change will have a disproportionate impact on woman and girls. She explained:

Increased water stress results in decreased access to water and sanitation and as water sources dry out, people are forced to move further in search of water for drinking, cooking and hygiene. This has a particular impact on women and girls, who are usually responsible for fetching water, with their health and access to education often suffering as a result.[[57]](#footnote-57)

1. When climate change-induced disasters force resettlement, the Special Rapporteur warned that women encounter greater responsibilities and stresses, as they “generally assume the responsibility for child and domestic care, such as getting food, fuel and water, which can become more onerous in resettlements situations.”[[58]](#footnote-58) Additionally, women also “encounter a number of problems related to lack of tenure and property rights and they are frequently ignored in the process of reconstruction and rebuilding of livelihoods.”[[59]](#footnote-59)
2. Rolnik also noted that children are one of the groups most vulnerable to climate change, particularly as it impacts poor urban populations.[[60]](#footnote-60) She explained that “[c]hildren may be removed from school in order to work and help to increase the income of their families and the supply of food and water” and that schools are often used as an emergency lodging after natural disasters, as she observed in Senegal.[[61]](#footnote-61) She highlighted that climate change related effects could also exacerbate the exposure of children to undernutrition, and increase their vulnerability to a number of diseases and illnesses, such as malaria.[[62]](#footnote-62) She further indicated that the effects and pressures of climate change-induced disasters may increase gender inequalities and intensify the common constraints many children already suffer due to poverty.[[63]](#footnote-63)
3. Rolnik cautioned that climate change induced drought will decrease water supply in urban systems.[[64]](#footnote-64) Additionally, she explained that disturbances in marine ecosystems and fisheries, as well as the deterioration of farmlands due to salt water flooding, will jeopardize the access to safe drinking water and food.[[65]](#footnote-65) The Special Rapporteur also warned that glacier melt will affect water storage, resulting in scarcity of water supply.[[66]](#footnote-66)
4. Moreover, she noted that climate change induced flooding and landslides, caused by increases in rainfall intensity, sea-level rise and storm surges in coastal areas, can “overwhelm urban drainage systems and result in floods” and “overburden sanitation systems and cause contamination of drinking water.” [[67]](#footnote-67) Moreover, she noted that “when shelters are built in areas susceptible to hazards, such as in floodplains on the banks of rivers or on slopes that pose the risk of erosion and mudslides during heavy rains, the consequences can be devastating.”[[68]](#footnote-68)
5. Rolnik also linked climate change impacts to an increase in migration and substantial human mobility.[[69]](#footnote-69) She explained that as a consequence of environmental degradation due to climate change, depletion of natural resources and natural disasters, many people around the world find their lives and health threatened, their houses and land destroyed and their sources of livelihood taken away.[[70]](#footnote-70) She stated, “Affected populations are then forced to migrate to other regions within their countries or to other countries. Migrants may leave voluntarily in search of better lives or may be forcibly evacuated during disasters.”[[71]](#footnote-71) The Special Rapporteur pointed out that substantial migration connected to climate change can cause economic strain in receiving countries.[[72]](#footnote-72) Migration will affect urban development by increasing pressure on infrastructure and services.[[73]](#footnote-73) Rapid and unplanned urbanization by migrants has serious consequences for urban welfare and service provision.[[74]](#footnote-74)
6. In addition, Special Rapporteur Rolnik recognized that the right to food is greatly affected by the impacts of climate change-induced disasters. For example, she noted that the inhabitants of Tlaxcala, an area dependent on rain-fed agriculture, complained of shifting rainfall periods, which generated uncertainty and a decline in crop yields and incomes.”[[75]](#footnote-75) She also warned that rising sea levels will affect the ability of many small islands to grow vegetables and plants.[[76]](#footnote-76) Additionally, she cautioned that disturbances in marine ecosystems and fisheries as well as the deterioration of farmlands due to salt water flooding will jeopardize the access of population to food.[[77]](#footnote-77)
7. Rolnik further stressed that small island communities and low-lying coastal areas are particularly vulnerable to climate change and related problems, such as rising sea levels and other natural disasters associated with changes in temperature and rainfall patterns.[[78]](#footnote-78) For example, the Special Rapporteur cautioned that climate change will significantly impact many human rights related to protecting the right to adequate housing for Maldivians, including through the loss of or contamination of freshwater sources; total or partial destruction of houses and properties because of a rise in the sea level and natural disasters such as floods and cyclones; and loss of livelihood, as many economic activities depend on the coastal ecosystem, and climate change would affect communities’ livelihoods, including through loss of land, environmental changes affecting fisheries and agriculture and other livelihood activities.[[79]](#footnote-79) She has noted that in some cases, inhabitants of small island States have already begun to relocate due to the impacts of climate change. For example, in the case of Tuvalu, she explained that “[f]requent saltwater flooding, accelerated coastal erosion and increasing difficulty growing vegetables and plants are day-to-day challenges. The people of Tuvalu have reluctantly accepted the idea of relocation and have started moving to New Zealand, under the terms of a negotiated migration scheme”.[[80]](#footnote-80)
8. **Toxic Wastes.** Special Rapporteur Georgescu linked pollution from toxic and hazardous substances to violations of the right to water. For example, he noted that a significant amount of chemicals and pharmaceuticals is disposed of through hospital wastewater.[[81]](#footnote-81) He stated, “In countries where no wastewater treatment facilities exist, effluents from health-care facilities are discharged directly in rivers and other water streams, and risk contaminating surface and groundwater resources used for drinking and domestic purposes.”[[82]](#footnote-82) He further explained that hazardous medical waste is collected together with non-hazardous waste, and often disposed of in the backyard of hospitals, and then either likely burned, incinerated, or dumped.[[83]](#footnote-83) The combustion of this waste creates bottom ash, which can “contain needles, broken glass and other sharps, as well as such toxic substances as heavy metals, dioxins and furans. Incineration ash is often disposed of in nearby landfills and ash ponds.”[[84]](#footnote-84) Moreover, when used as landfill, bottom ash may contaminate foodstuffs and groundwater resources used for drinking water.[[85]](#footnote-85)
9. According to Georgescu, when it is not disposed of in the backyard of the health-care establishments that generate it, medical waste is often mixed with ordinary municipal waste and disposed of in municipal landfills or illegal dumpsites.[[86]](#footnote-86) Heavy metals and other toxins can leach into the soil and contaminate groundwater resources used for drinking, farming or domestic purposes by local populations.[[87]](#footnote-87) Moreover, in countries where no wastewater treatment facilities exist, wastewater from healthcare facilities is directly disposed of in rivers and other water streams.[[88]](#footnote-88) This effluent contains a significant amount of pathogens, chemicals and pharmaceuticals excreted by patients that can contaminate surface and groundwater resources used for drinking and domestic purposes.[[89]](#footnote-89)
10. Georgescu has further noted that extractive industries in particular have an enormous impact on the right to water. He explained that substances from extractive industries:

seep, leech and drain into water systems contaminating not only the water reservoirs of the population living in the immediate area around the mine, but even of the communities living hundreds of kilometres downstream, thereby affecting the fundamental right of access to safe drinking water and adequate sanitation of these communities.[[90]](#footnote-90)

1. As Georgescu explained, waste produced from extractive industries can find their way into water supply systems, thus impacting on the right to water. For example, he explained that “slurries and other solutions used or produced by extractive industries are commonly kept in impoundments, ponds or injected underground, from where, the waste is likely to leach arsenic, barium, mercury, lead, manganese, aluminum, chromium and other toxic substances into groundwater and private wells.”[[91]](#footnote-91) Waste constituents of concern include radionuclides, such as lead, radium, radon and thorium; heavy metals, such as mercury and cadmium; other leaching agents, such as cyanide, sulfuric acid, arsenic; and sludge from evaporation ponds.[[92]](#footnote-92)
2. Georgescu explained that another process that contaminates ground water is gold cyanidation, which can create ponds of cyanide-laced waste, a major point source of cyanide release into groundwater.[[93]](#footnote-93) He noted that over 30 large-scale accidental releases of cyanide into water systems have been reported since 1975, as a result of dam-related spills, transportation accidents and pipe failures.[[94]](#footnote-94) The catastrophic cyanide spill in Baia Mare, Romania, in 2000, affected the drinking water of 2.5 million people and fishing and agriculture along the Tisza River in Hungary, Romania and Yugoslavia.[[95]](#footnote-95) Scientists estimate that it will take 10 to 20 years for most river life to return to the affected rivers.[[96]](#footnote-96)
3. Georgescu also warned about the potential impacts on water resources from fracking. Toxic substances in fracking fluids and resulting mud can be released into the surface water during the extraction, transport, storage and waste disposal stages.[[97]](#footnote-97) The storage of wastewater and other waste products may result in further contamination of water supplies due to spills, leaks, and floods.[[98]](#footnote-98)
4. The toxic waste mandate has also linked the release of hazardous and toxic substances with violations of the right to food. For example, Special Rapporteur Ibeanu noted that during armed conflict both the availability and quality of food can be affected through the use of herbicides.[[99]](#footnote-99) Herbicides can directly destroy crops or contaminate irrigation water which makes the crops unsuitable for human consumption.[[100]](#footnote-100) Moreover, Ibeanu explained that:

War-torn regions are often poor, agriculture is one of sustenance, and drinking water is in many cases that which is found at surface level. If this source of food or water is contaminated or destroyed, the impact on the enjoyment of the right to food is far more important than in regions in which most of the food is not produced locally.[[101]](#footnote-101)

1. Special Rapporteur Fatma-Zohra Ouhachi-Vesely also highlighted the impacts of pesticide use on the right the food. She cited a 2001 Food and Agriculture Organization (FAO) report that found the volume of pesticide wastes endangering the population and the environment was five times higher than had been estimated two years before.[[102]](#footnote-102) FAO stated that approximately 500,000 tons of expired or banned pesticides or pesticides withdrawn from sale have accumulated in fields, agricultural land and villages all over the world and are contributing to the poisoning of soil and water.[[103]](#footnote-103)
2. **Food.** The mandate on the right to food has noted the links between environmental degradation and impacts on the right to food.
3. Jean Ziegler, the Special Rapporteur from 2000 to 2008, described the impacts of desertification, drought, and land degradation on the right to food.[[104]](#footnote-104) Approximately two billion people in 100 countries suffer from the repercussions of desertification and land degradation.[[105]](#footnote-105) Ziegler noted that developing countries, particularly in Africa, are more adversely affected by land degradation as there is greater dependence on the land to sustain individuals' livelihoods as farmers or pastoral herders and where there are few alternative livelihoods.[[106]](#footnote-106) Ziegler estimated that “[h]alf of the world’s hungry people therefore depend for their survival on lands which are inherently poor and which may be becoming less fertile and less productive as a result of the impacts of repeated droughts, climate change and unsustainable land use.”[[107]](#footnote-107)
4. Olivier De Schutter, the Special Rapporteur from 2008 to 2014, discussed the impacts of land degradation from different sources on the right to food. For example, he noted the failure “to promote means of agricultural production which do not deplete the soils and exhaust groundwater reserves.”[[108]](#footnote-108) In his report on Cameroon, he noted that Cameroon has fertile agricultural land in accessible areas and large forested areas.[[109]](#footnote-109) In particular, he explained that “the forests are an important source of revenue and food, particularly for the poorest rural households that harness non-timber forest products such as medicinal plants, fruit and game.”[[110]](#footnote-110) He warned, however, that a substantial portion of the country's “forests are degraded, and arable land reserves are shrinking” because of degradation and commercial exploitation.[[111]](#footnote-111) Similarly, Special Rapporteur De Schutter remarked that a substantial portion of China also suffers from land degradation.[[112]](#footnote-112) Soil erosion has become a large problem in Northwest China, raising concerns about the country’s future grain security.[[113]](#footnote-113) Additionally, water scarcity has become a major problem as the per capita water availability is less than one-third the world average.[[114]](#footnote-114) He also discussed the impacts of large-scale agricultural production, noting that it has led to "increasingly unsustainable farming practices and higher levels of greenhouse gas emissions, soil contamination, and erosion of biodiversity."[[115]](#footnote-115)
5. Special Rapporteur De Schutter also touched on the impacts of commercial agricultural production on the right to food. For example, he stated that the development of large-scale agricultural production in Canada has led to “increasingly unsustainable farming practices and higher levels of greenhouse gas emissions, soil contamination, and erosion of biodiversity.”[[116]](#footnote-116)
6. De Schutter also devoted a report to the deterioration of global fisheries and its effects on the right to food. [[117]](#footnote-117) He noted that overfishing and a reliance on industrial and other harfmul fishing methods have had “profound environmental impacts” that have resulted in “serious threats to fish-food availability on a worldwide basis.”[[118]](#footnote-118) De Schutter also highlighted the impacts on fisheries from habitat loss and environmental pollution, such as pollution from oil spills, agricultural and industrial run-off, pollution from aquaculture and the enormous accumulation of plastic debris in water.[[119]](#footnote-119) He warned that “[w]ithout considerable effort to reverse existing trends” related to the decline of global fisheries, “the ability of these aquatic ecosystems to continue to provide healthy quantities of fish will further decline.”[[120]](#footnote-120)
7. De Schutter also explained that environmental pollution constitutes a severe threat to the availability of food. For example, in China, more than 10 per cent of the arable land is contaminated by pollution and thus has limited use for the production of food.[[121]](#footnote-121) He noted that China faces considerable ecological threats and challenges and that there are "deep potential consequences for both food security at the national level and the realization of the right to food by vulnerable groups."[[122]](#footnote-122)
8. According to Special Rapporteur De Schutter, the prevalence of contract farming and monocropping has also had environmental consequences by using forms of production that rely heavily on chemical fertilizers and pesticides, often with adverse repercussions for human health and for soil.[[123]](#footnote-123) The specialization in cash crops in contract farming “frequently entails a loss of biodiversity and a shift away from diversity and towards mono-cropping in farming systems that may be detrimental to the biotic activity of the soil and may accelerate soil erosion.”[[124]](#footnote-124) De Schutter also explained the “specialization in cash crops frequently entails a loss of biodiversity and a shift away from diversity and towards mono-cropping in farming systems that may be detrimental to the biotic activity of the soil and may accelerate soil erosion.”.[[125]](#footnote-125)
9. De Schutter cautioned that the production of agrofuels also impacts on the right to food. He warned that the expansion of monoculture farming typically used to grow agrofuel crops “may also have detrimental impacts on biodiversity and an impact of diets, since in the regions affected the variety of local foods available may be reduced. In addition, it will increase the competition for scarce water between current landusers and bioenergy crop production, and aggravate water scarcity problems.”[[126]](#footnote-126) De Schutter noted that the increased demand for crops for fuel may raise the price of cropland, making access to land even less affordable than it is presently as smallholders will be pit against large producers for the acquisition of land. It could lead to the eviction of landusers whose titles to the land are insecure, or to the displacement of populations, particularly of indigenous peoples, in order to allow for the development of large plantation-form agricultural exploitations for the production of agrofuels.[[127]](#footnote-127)
10. As the demand for biofuels increases, De Schutter explained that there is a corresponding increase in prices for food commodities, such as maize and soybeans.[[128]](#footnote-128) In addition, because of the increase in biofuel production, wheat production has suffered limited expansion, resulting in a rise in wheat prices throughout the world, which has led to shortages of wheat in some areas.[[129]](#footnote-129)
11. Special Rapporteur Ziegler also expressed his concerns regarding using food commodities as a fuel source, stating that the maize used to fill one car's tank with biofuels would be enough food to feed an individual for a year.[[130]](#footnote-130) He noted many impacts from biofuel production on the right to food due to the rapid increase in the price of food crops.[[131]](#footnote-131) He explained that this price increase “will intensify competition over land and other natural resources, including forest reserves. This will pit peasant farmers and indigenous communities of forest dwellers against massive agribusiness corporations and large investors who are already buying up large swathes of land or forcing peasants off their land.”[[132]](#footnote-132) He further noted that the “production of biofuels will require substantial amounts of water, diverting water away from the production of food crops.”[[133]](#footnote-133) The Special Rapporteur recommended that States concentrate on using non-food plants that can be grown in semi-arid and arid regions and agricultural waste for production of biofuels rather than using food crops.[[134]](#footnote-134)
12. De Schutter also described various impacts from environmental harm on the traditional food supply of indigenous peoples. For example, during his mission to Canada he stated that issues with accessing traditional foods “include, *inter alia*, “limited availability of food flora and fauna” and “environmental contamination of species; flooding and development of traditional hunting and trapping territories.”[[135]](#footnote-135)
13. De Schutter also has reviewed various impacts on the right to food from climate change. For example, he stated that “climate change, which translates in more frequent and extreme weather events, such as droughts and floods and less predictable rainfall, is already having a severe impact on the ability of certain regions and communities to feed themselves.”[[136]](#footnote-136) He warned that an estimated 600 million people could be at a risk of hunger by 2080 as a direct result of climate change.[[137]](#footnote-137)
14. De Schutter explained that climate change will affect agricultural production. The change in climate is predicted to prevent entire regions from maintaining their levels of agricultural production due to rainfall decline.[[138]](#footnote-138) He stated, “Less fresh water will be available for agricultural production, and the rise in sea level is already causing the salinization of water in certain coastal areas, making water sources improper for irrigation purposes.”[[139]](#footnote-139) De Schutter stated that “agricultural production is expected to decline worldwide at least 3% by the 2080s, and could decline up to 16% if the anticipated carbon fertilization effects (incorporation of carbon dioxide in the process of photosynthesis) fail to materialize.”[[140]](#footnote-140) Sub-Saharan Africa will be particularly impacted. According to De Schutter, in “Sub-Saharan Africa, arid and semi-arid areas are projected to increase by 60 million to 90 million hectares, while in Southern Africa, it is estimated that yields from rain-fed agriculture could be reduced by up to 50 per cent between 2000 and 2020.”[[141]](#footnote-141) He further cautioned that water shortages represent a threat “for agriculture, particularly in sub-Saharan Africa, Eastern Asia and South Asia, where climate change will affect rain, increase the frequency of droughts, raise average temperatures, and threaten the availability of fresh water for farming.”[[142]](#footnote-142)
15. Special Rapporteur De Schutter also noted the impacts from climate change on fisheries. He explained that the many direct threats to the sustainability of fish production systems are magnified by the impacts of climate change.[[143]](#footnote-143) The rise in ocean temperatures threatens many calcifying organisms, including mollusks, plankton and coral reefs.[[144]](#footnote-144) Warmer sea temperatures may also lead to increased outbreaks of algal blooms, which can have a devastating impact on fish populations.[[145]](#footnote-145) He stated that warming oceans cause marine species to move to “colder waters, which includes shifting their latitudinal range or moving to greater depths. Some fish will gradually move away from rich tropical waters, resulting in localized extinctions and the invasion of some species into waters where they were previously not found.”[[146]](#footnote-146)
16. De Schutter also mentioned the potential impacts of climate change during some country visits. For example, in his visit to Cameroon, he observed that coastal regions and the Sahelian regions in the North are particularly hard hit by climate change.[[147]](#footnote-147) In his report on Canada, he noted impacts of climate change on migratory patterns of animals and on the mobility of those hunting them, which had an effect on access to traditional food supplies of indigenous populations.[[148]](#footnote-148) In his report on China, he stated that climate change may cause agricultural productivity to drop 5-10% by 2030 (absent of any mitigation actions), which would principally affect wheat, rice, and maize.[[149]](#footnote-149) According to De Schutter:

Already today, droughts affect between 200 million and 600 million mu of farmland in China every year. Indeed, while the Special Rapporteur was on mission in China, an unprecedented drought developed, affecting 35.1 per cent of wheat crops (to be harvested in June 2011) on a surface of 96.11 million mu (6.4 million hectares). This represents 21.7 per cent of total farmland in the eight provinces concerned, including Shandong, Jiangsu, Henan, Hebei and Shanxi, which together account for more than 80 per cent of the wheat production of China.[[150]](#footnote-150)

1. In his report on Syria, De Schutter discussed the severe droughts that have resulted from climate changes in the region.[[151]](#footnote-151) According to the Special Rapporteur, the “effects of climate change in the country are already evident from the cycles of drought, which have shortened from a cycle of 55 years in the past to the current cycle of seven or eight years.”[[152]](#footnote-152) Syria suffered four consecutive droughts between 2006 and 2011, which have caused significant losses of crops in the drought zones.[[153]](#footnote-153) The crop failures led to difficulties in feeding animals, which led farmers to, among other things, slaughter their livestock.[[154]](#footnote-154) The inability for farmers to sustain their livelihood from crops and livestock led to various human rights impacts. As De Schutter explained:

The impact of successive droughts has been dramatic for both small-scale farmers and herders. In the affected regions, the income of these groups dropped by as much as 90 per cent. Many families were forced to reduce food intake: 80 per cent of those affected were reported to live on bread and sugared tea. Families sold productive assets, reducing their ability to restore their livelihoods in the future. Children were removed from schools because education became unaffordable and because their work was needed by the family as a source of revenue.[[155]](#footnote-155)

1. **Minorities**. Special Rapporteur Gay McDougall noted that “for minority communities, often located in remote rural areas, the land and territories on which they live are a source of food security and income generation as well as being vital to the preservation of minority cultures, traditions and collective identity.”[[156]](#footnote-156) However, she explained that “some minorities find that their rights to own, occupy and use land are limited or violated and they may find themselves displaced or evicted, in some cases to make way for national economic development schemes, the activities of multinational corporations or for natural resources development.”[[157]](#footnote-157) In addition, she noted that “minorities may be adversely affected, for example through displacement by large-scale projects such as dams and natural resource extraction, or as a result of the negative environmental impact of such projects.”[[158]](#footnote-158)
2. **Human Rights Defenders.** According to Special Rapporteur Sekaggya, defenders working on issues in connection with extractive industries and construction and development projects have been subjected to raids on their homes and had their houses destroyed by fire.[[159]](#footnote-159) Defenders working for the rights of indigenous people and minorities have been subjected to land-grabbing[[160]](#footnote-160) and forced evictions.[[161]](#footnote-161)

## Right to the Highest Attainable Standard of Physical and Mental Health

1. **Health.** Paul Hunt, the Special Rapporteur from 2002 to 2008, stated that the right to health is an inclusive right, extending not only to timely and appropriate health care, but also to the underlying determinants of health, such as environmental conditions.[[162]](#footnote-162)
2. According to Anand Grover, the Special Rapporteur from 2008 to the present, the prevalence of weak environmental and labour regulations in the developing world, among other factors, has resulted in growing numbers of workers employed in workplace environments that lack adequate protections for their occupational health.[[163]](#footnote-163) Grover explained that the right to a healthy workplace environment is an integral component of the right to health. For example, many agricultural workers, particularly migrant workers who are involved in agricultural work in large numbers, are exposed to, among other things, environmental hazards such as pesticides or other pollutants, not only through their work, but also through the proximity of their homes to their worksites.[[164]](#footnote-164) Grover stated, “These conditions significantly contribute to the increased rates of infectious diseases seen amongst these workers.”[[165]](#footnote-165)
3. According to Special Rapporteur Hunt, the provision of safe water and sanitation constitutes a non-personal health intervention which serves as a factor in a good health system.[[166]](#footnote-166)
4. Special Rapporteur Grover has linked the impacts from climate change with the right to health. He explained that “[t]hose living in poverty are disproportionately affected by the adverse effects of global warming. Not only has global warming led to a decline in dependable access to water, it has also led to a disruption in natural ecosystems.”[[167]](#footnote-167) He added, “Warmer and wetter conditions resulting from climate change are increasing the range and season of vectors, such as mosquitoes and tsetse flies, which spread diseases such as malaria, dengue and yellow fever, and encephalitis.”[[168]](#footnote-168)
5. Grover also stated that increased flooding and droughts from climate change also pose a threat to the right to health. Grover explained that:

As clean water sources evaporate, people resort to more polluted alternatives that may lead to epidemics of water-borne diseases. Likewise, floods not only increase the risk of drowning and destroying crops, they also spread disease by extending the range of vectors and by washing agricultural pollutants into drinking water supplies.[[169]](#footnote-169)

Grover noted that despite these threats to the right to health, the international community has not confronted the threats posed by global warming, and its failure to do so is endangering the lives of millions of people.[[170]](#footnote-170)

1. Grover also reported on the “long standing Israeli-Palestinian conflict” and noted that according to Article 24 of the Convention on the Rights of the Child, “the right to health encompasses not only access to health care, but also the underlying determinants of health, such as access to clean water and sanitation, food and nutrition, adequate housing and a healthy environment.”[[171]](#footnote-171) He also stated that the “conflict and its exacerbation by the blockade and consequent lack of fuel” has led to various environmental hazards, including that “waste water pumps repeatedly stopped working, threatening to cause grave environmental hazards” and “the lack of access to clean water and the closure of waste water pumping stations has resulted in exposure to numerous diseases. Farmland and urban areas have been flooded with sewage.” [[172]](#footnote-172)
2. **Extreme Poverty.** During Special Rapporteur Magdalena Sepúlveda Carmona’s official visit to Mongolia in December 2012, she stated that the World Health Organization had found that “air and soil pollution caused by inadequate heating systems [in housing] is contributing to serious health risks, such as respiratory disease and hepatitis.”[[173]](#footnote-173)
3. **Toxic Waste.** Special Rapporteur Ouhachi-Vesely stated that there is a clear link between wastes and toxic products and the right to health. Practices that jeopardize this right include:

− Waste recovery facilities which cause work accidents and expose populations to highly toxic fumes;

− Mining activities carried out by enterprises which do not respect the environment, pollute sources of drinking water and subject the population to serious risks;

− Intensive and unregulated use of pesticides, including exports of pesticides banned in producer countries. The World Health Organization estimates that 3 million people are poisoned and 220,000 killed by pesticides every year;

− Exports of medical waste carrying diseases against which populations have no immunity;

− Export of contaminated ships for breaking. It is estimated that at least one worker dies every day and that 25 per cent of the workforce develops cancer in the medium term;

− Export of electronic waste for scrapping, in conditions harmful to the health of workers and populations.[[174]](#footnote-174)

1. Special Rapporteur Georgescu has stated that “the unsound management of hazardous substances and waste from extractive industries contributes to overall environmental pollution which may have serious effects on the right to health and the right to life.”[[175]](#footnote-175) For example, he linked diesel exhaust from mining operations with lung cancer and noted that “[u]nderground miners are already exposed to over 100 times the background concentrations of diesel exhaust, and the use of diesel-fuelled equipment is growing in the mining community.” [[176]](#footnote-176) Coal miners are particularly exposed to coal dust which, which Georgescu explained causes pneumoconiosis, and silicosis, both potentially fatal lung diseases.[[177]](#footnote-177) In addition, many uranium miners are exposes to radon pollution which causes “significant health effects.”[[178]](#footnote-178)
2. Georgescu also highlighted the specific risks from mercury to human health that result from extractive processes. For example, he noted his concern that despite increasing global consensus of the dangers of mercury, miners and their families are still exposed to “this hazardous substance and neurotoxin.”[[179]](#footnote-179) Georgescu recognized that miners in Brazil, Colombia, Guyana, Indonesia, the Philippines, United Republic of Tanzania, and Zimbabwe have mercury levels of up to 50 times above the limits set by the WHO.[[180]](#footnote-180) Moreover, he cautioned that inhalation of mercury vapor can produce harmful effects on the nervous, digestive and immune systems, lungs and kidneys, and may be fatal.[[181]](#footnote-181)
3. The Special Rapporteur stated that there is evidence that children and women are particularly vulnerable to the effects of mercury, including from bioaccumulation of methyl-mercury in fish consumed by pregnant women and from gold mining.[[182]](#footnote-182) He explained that fetal exposure is the most dangerous because of the brain’s sensitivity at this stage of development, and that symptoms that children may exhibit as a result of mercury exposure include mental retardation, seizures, vision and hearing loss, delayed development, language disorders, reduced IQ and memory loss.[[183]](#footnote-183) Georgescu also noted that one-ﬁfth of the children covered by an International Labor Organization (ILO) survey reported having a health problem since they took up gold mining, primarily aches in limbs and backbones, kidney and urinary tract diseases and exhaustion.[[184]](#footnote-184)
4. Special Rapporteur Ouhachi-Vesely noted the impact on the right to health of the communities in developing countries who are left to dismantle e-waste in a way which is unsafe and not managed in an environmentally sound manner.[[185]](#footnote-185) She explained that the conditions created by dismantling e-waste in an unsound manner are:

extremely hazardous and include open burning, acid baths and toxic dumping which pours pollution into the land, rice fields, air, irrigation fields and along waterways and drinking water supplies. Such improper disposal poses a threat to human health, leading to respiratory illness, skin infections and stomach disease. Some reports refer to children being involved in the dismantling of e-waste.[[186]](#footnote-186)

1. Special Rapporteur Ibeanu discussed health impacts from toxic and hazardous waste dumping that were exacerbated by the Asian tsunami disaster of 26 December 2004. He stated that he had received information that local fishing communities in northern Somalia had been contaminated by tons of toxic and hazardous wastes allegedly dumped in that region during the early 1990s, and that had been stirred up by the tsunami.[[187]](#footnote-187) The hazardous waste was deposited on beaches and caused causing health problems - including acute respiratory infections, mouth bleeding and skin conditions - to several people living in the northern areas of the country.[[188]](#footnote-188)
2. Special Rapporteur Ibeanu discussed the harm to human health from chemicals and other hazardous substances released during armed conflicts.[[189]](#footnote-189) For example, he noted that the many noxious substances released by burning oil can cause death, respiratory illness, and cancer, and that oil spills can contaminate soil and water, rendering food products unhealthy.[[190]](#footnote-190)
3. Moreover, he cautioned about the targeting of facilities that produce chemicals and the resulting impacts on human health when these chemicals are released into the environment. For example, he noted that the targeting of facilities producing electricity can result in the release of polychlorinated biphenyls (PCBs) from transformers into the environment and can cause a wide-range of health problems.[[191]](#footnote-191) The health of children is particularly impacted by exposure to hazardous and toxic wastes. For example, Special Rapporteur Georgescu highlighted the risk to children from mining and quarrying activities. He explained that the International Labor Organization estimates that one million children worldwide are involved in mining and quarrying with little or no pay, which exposes them to hazardous substances such as mercury, lead, and cyanide.[[192]](#footnote-192) Many of the children who are not exposed at work are later exposed in the communities where they live. Georgescu stated that in “one country, over 400 children under the age of five reportedly died due to lead poisoning associated with gold miners grinding lead-containing rock at home in order to extract the gold, and leaving lead dust on the floors where children crawl.”[[193]](#footnote-193)
4. Georgescu also stated that children in communities living close to municipal waste facilities or illegal dump sites where medical waste is disposed of can play with discarded objects, such as needles. [[194]](#footnote-194) For example, Georgescu stated that a large number of scavengers, mainly children, were suspected to have contracted hepatitis C as a result of needle-stick injuries during the collection of used syringes and other clinical waste for recycling.[[195]](#footnote-195)
5. Children can also be exposed to lead unrelated to mining activities. For instance, Special Rapporteur Ibeanu pointed out that lead is a toxic heavy metal that was used for many years in products found in and around homes, including gasoline additives, batteries and plumbing materials.[[196]](#footnote-196) He noted that lead poisoning is known to cause decreases in intelligence quotient levels, retarded physical development, behavioral disorders, reduced attention spans and learning disabilities in children, even at extremely low levels of exposure.[[197]](#footnote-197) Moreover, women exposed to lead during pregnancy report higher rates of miscarriages, stillbirths and preterm deliveries.[[198]](#footnote-198)
6. In many parts of the developing world, pesticides cause many health problems and pose a significant threat to an individual’s right to health. For example, Special Rapporteur Ibeanu noted that “as many as 25 million agricultural workers suffer serious or irreversible work-related diseases, including several forms of cancer, endocrine system disruption and reproductive and neurological disorders, linked to long-term exposure to hazardous pesticides.”[[199]](#footnote-199)
7. Ibeanu also discussed the dangers to human health from the dismantling of ships. He explained that every year, on average, about 600 end-of-life ships containing large amounts of toxic and hazardous substances and materials, including asbestos, polychlorinated biphenyls, heavy metals, oils and fuels, are sent to the beaches of South Asia.[[200]](#footnote-200) There the ships are dismantled without concrete covering or any containment other than the hull of the ship itself.[[201]](#footnote-201) This method of ship dismantling, commonly referred to as “beaching”, generates significant levels of pollution of coastal soil, air, sea and groundwater resources, and adversely affects local communities, which often rely on agriculture and fishing for their subsistence.[[202]](#footnote-202) Special Rapporteur Ouhachi-Vesely also noted a conservative estimate that “100,000 workers in the ship-breaking countries are directly exposed to workplace and environmental poisons during the breaking of contaminated ships for scrap” and that “[c]ommunities are also affected by loss of livelihood when soil or fish stocks become polluted, and by the deaths and diseases caused by exposure to toxic substances.” [[203]](#footnote-203)

## Right to Safe and Healthy Working Conditions

1. **Toxic Wastes.** Special Rapporteur Georgescu noted that in many health-care establishments around the world, the lack of adequate waste management plans to ensure the safe and environmentally sound segregation, collection, transport, treatment and disposal of medical waste continue to expose a significant number of people from a wide range of occupations to the risk of injury and illness.[[204]](#footnote-204) The main occupational groups at risk include hospital personnel, workers handling and transporting waste, persons working at waste disposal facilities, and scavengers.[[205]](#footnote-205)
2. According to Georgescu, medical personnel often receive limited instructions on the use of personal protective equipment, and are not aware of safety emergency procedures for dealing with spillages and accidents.[[206]](#footnote-206) Hospital cleaners and waste handlers are in an even more vulnerable position than the medical staff that produce the waste, and Georgescu explained that an “increasing number of them are employed by external contractors rather than being directly employed by the hospital, and may not receive any information on the occupational risks to which they are exposed and on the correct procedures for handling, loading and unloading waste bags and containers.”[[207]](#footnote-207)
3. Georgescu has also noted that mining is considered one of the world’s most dangerous occupations, where workers are exposed to intense heat, toxic substances and fumes, unstable geological structures and intense sounds.[[208]](#footnote-208)
4. Special Rapporteur Ouhachi-Vesely also noted that the ship disassembly industry is reported to be one of the most deadly industries to work in throughout the world. [[209]](#footnote-209) Workers, in some instances, dismantle the ships with their bare hands; many workers are injured or killed by suffocation or explosions; and many workers are expected to contract cancer due to their exposure to asbestos dust and toxic fumes.[[210]](#footnote-210) A conservative estimate is that more than 100,000 workers in the ship-breaking countries are directly exposed to workplace and environmental poisons during the breaking of contaminated ships for scrap.[[211]](#footnote-211)
5. Special Rapporteur Ibeanu explained that the right to work can be affected when toxic products are released into the environment during armed conflict. [[212]](#footnote-212) Examples include: fishermen unable to work because fish stocks have been decimated or contaminated by oil pollution; agricultural workers who can no longer work on land which has been contaminated; and people working in the tourism industry who are deprived of work because pollution on beaches has affected the industry.[[213]](#footnote-213)

## Right to Education

1. **Education.** According to Special Rapporteur Vernor Muñoz, natural disasters, such as earthquake, tsunami, flood or hurricane, bear on the right to education because they “threaten or destroy public and private assets, limiting the capacity and resources to guarantee rights and uphold social responsibilities.”[[214]](#footnote-214) Muñoz explained that “recurrent national disasters in impoverished regions can have a multiplier effect, with devastating consequences for school infrastructure, teaching and the educational opportunities generally of the children living in those regions.”[[215]](#footnote-215) Moreover, even though it is a basic human right, educational services tend to be interrupted, delayed, or denied as States attempt to respond to and rebuild after natural disasters.[[216]](#footnote-216) Muñoz noted that the worst violations of the right to education occur, however, during the initial stages of reconstruction, when educational systems and opportunities are destroyed, and “that the limited attention paid by the humanitarian agencies involved, and the relative absence of clear programmatic principles, indicators or funding, are most clearly revealed.”[[217]](#footnote-217) These effects are made direr by the fact that “around 90 per cent of those affected by natural disasters live in States with limited capacity to cope with that impact.”[[218]](#footnote-218)

## Rights of Migrants

1. **Migrants.** The Special Rapporteur on the human rights of migrants, François Crépeau (2011-present), identified various impacts from climate change on migrant workers. He stated “that the effects of climate change will likely play a significant and increasingly determinative role in international migration.”[[219]](#footnote-219) In particular, he explained that climate change will result in an increased frequency and intensity of extreme weather events (e.g., tropical storms, floods, heat waves) and the gradual processes of environmental degradation (e.g., desertification and soil and coastal erosion) resulting from climate change.[[220]](#footnote-220) Accordingly, “Those effects of climate change and their adverse consequences for livelihoods, public health, food security and water availability will have a major impact on human mobility, as one natural response will be to migrate.”[[221]](#footnote-221) However, Crépeau cautioned that understanding the true impact of climate change on migration is complex and that “the question of identifying those who have migrated as a result of climate change might be a challenging, if not impossible, task: the impacts of climate change often contribute to a cluster of causes that lead to migration.”[[222]](#footnote-222) Moreover, adding to this difficult task is the fact that climate change may induce a range of migration patterns causing future predictions on the impacts of climate change on migrations patters to “remain problematic.”[[223]](#footnote-223) As a result, Crépeau noted, “the success, or lack thereof, of future mitigation and adaptation strategies, including the development of new technologies which may or may not ameliorate the situation of those most affected by the effects of climate change, are impossible to know.”[[224]](#footnote-224)

# OBLIGATIONS ON STATES RELATING TO THE ENVIRONMENT

1. This section includes three sub-sections, containing statements made by Special Procedures related to procedural obligations, substantive obligations, and obligations relating to members of specific groups in order to safeguard human rights from environmental harm. These statements sometimes characterize requirements of human rights law, and sometimes provide examples of good practices (what States *should* do, beyond what they *must* do).
2. The Special Procedures have made a number of statements concerning obligations of all three types that relate to climate change and human rights. To facilitate understanding of the positions taken by Special Procedures on that important issue, a fourth subsection pulls together statements specific to the relationship between climate change and human rights.

## Procedural Obligations

1. The Special Procedures have made a number of statements concerning procedural obligations in relation to the protection of human rights against environmental harm. These include obligations to provide information about environmental harm; to allow participation in environmental decision-making; to provide access to effective remedies; to conduct environmental, social or human rights impact assessments and to monitor environmental threats to human rights; and to protect environmental human rights defenders.

### Obligation to provide information about environmental harm

1. **Education.** Special Rapporteur Kishore Singh stated, “Further investments are required to ensure systematic data collection on the situation of education in emergencies.”[[225]](#footnote-225) He also asserted that “States and international and non-governmental organizations providing support to education in emergencies should work on the development of a common framework for the assessment and reporting of met and unmet education needs in contexts of emergency.”[[226]](#footnote-226) He added that such a framework must take into consideration human rights obligations regarding the right to education.[[227]](#footnote-227)
2. **Extreme Poverty.** In order to comply with their human rights obligations regarding the right to participation, Special Rapporteur Sepúlveda Carmona recommended that States “[p]roactively disseminat[e] legal information and other key documents for decision-making (e.g. environmental impact assessments), in all relevant languages.”[[228]](#footnote-228)
3. **Toxic Wastes.** Special Rapporteur Ibeanu noted the frequent violation of the right to information and participation regarding the trans-boundary movement of wastes and dangerous products in developing countries.[[229]](#footnote-229) Among other problems, Ibeanu stated that toxic wastes and dangerous products are often not labeled in the local language, which exposes the population to severe health and environmental risks.[[230]](#footnote-230) In addition, he pointed out that hazardous products and wastes in developing nations are frequently dumped in rural and isolated areas, where there is a high prevalence of illiteracy and inadequate information.[[231]](#footnote-231)
4. Moreover, according to Special Rapporteur Ibeanu:

Individuals, communities and neighbouring countries must have information regarding the full extent of environmental impact of proposed development projects in their regions in order to participate meaningfully in decisions that could expose them to increased pollution, environmental degradation and other such effects. Individuals, communities and neighbouring countries must have information regarding pollutants and wastes associated with industrial and agricultural processes. The Special Rapporteur considers it a clear duty of the State to disclose such information.[[232]](#footnote-232)

1. Special Rapporteur Ouhachi-Vesely noted various obstacles to access to information. She explained that one obstacle:

concerns the difficulty of timely access to pertinent, full and usable information. In the absence of information, the basic problem is exacerbated, with serious repercussions for human life and health and the environment. Before, during and after the incident, information of vital importance is either withheld, falsified, or provided late, in dribs and drabs or in such a way as to be unusable. Exercise of the right to receive and disseminate information is also impeded; governmental authorities justify this on national security grounds and transnational corporations by considerations of commercial secrecy.[[233]](#footnote-233)

1. Special Rapporteur Georgescu stated that communities in one country alleged that a foreign energy company had failed to notify them after numerous oil spills had occurred, and that children, women and men continued to bathe, fish and drink in their primary water source, which was contaminated with crude oil.[[234]](#footnote-234)
2. Special Rapporteur Georgescu also discussed obligations related to access to information and the enjoyment of the right to safe and healthy conditions of work. He stated:

Information on the hazards associated with the handling of hazardous medical waste, access to training opportunities on the safety procedures to minimize hazards, and proper personal protective equipment constitute essential preconditions for the enjoyment of the right to safe and healthy conditions of work as set out in article 7 (b) of the International Covenant on Economic, Social and Cultural Rights.[[235]](#footnote-235)

1. Special Rapporteur Ibeanu also highlighted State obligations related to access to information in environmental matters contained in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention).[[236]](#footnote-236) In particular, he referred to obligations related to the release of dangerous products into the environment during armed conflict, and noted that the Aarhus Convention provides that in the event of imminent threat to human health or the environment, all information held by the authorities which could enable the public to take measures to mitigate potential adverse effects should be immediately disseminated to the public.[[237]](#footnote-237)
2. Ibeanu further called on States to implement the right to information by “establishing specific legislation conforming to international norms and standards. Ensuring effective implementation of the right to information requires proper training in their responsibilities for persons involved in implementing the law in how to deal with requests for information and how to interpret the law.”[[238]](#footnote-238) He also encouraged “Governments to be proactive in promoting the right to information and to educate the public on how to claim it.”[[239]](#footnote-239) He clarified that right to information laws should not only require public authorities to provide information upon request but also impose a duty on public bodies to actively disclose, disseminate and publish information.[[240]](#footnote-240)
3. **Human Rights Defenders.** Special Rapporteur Sekaggya stated that States have an obligation to make certain information available to human rights defenders pursuant to Article 6(a) of the United Nations Declaration on Human Rights Defenders, which recognizes the right of defenders to actively seek information and obtain access to it.[[241]](#footnote-241) The Declaration on Human Rights Defenders also clarifies the right to receive and hold information, which is essential to defenders’ monitoring and documentation activities.[[242]](#footnote-242) According to the Special Rapporteur, access to information is essential for the ability of rights holders to understand how their rights might be affected, how to claim rights that could be undermined by a large-scale development project, and how to ensure accountability of stakeholders and duty bearers.[[243]](#footnote-243)
4. Within the context of large-scale development projects, Sekaggya noted that “information should be publically available and accessible. In order for such information to be available to those affected by a given project, it needs to be provided in the appropriate languages and through the appropriate media.”[[244]](#footnote-244) In particular:

In the context of large-scale development projects, timely disclosure of information about project conceptualization and preparation, including contracts and subcontracts, documents with information about parties involved, financing frameworks, terms and conditions, impact assessments and mitigation strategies should be made available to the extent possible.[[245]](#footnote-245)

### Obligation to Allow Participation in Environmental Decision-Making

1. **Health.** Special Rapporteur Hunt stated, “Everyone has the right to participate in health-related decision-making that affects them. The prioritization process must include the active and informed participation of all stakeholders, including marginalized groups, in agenda-setting, decision-making, and monitoring and accountability arrangements.”[[246]](#footnote-246) For example, he noted that “communities and groups have a better sense of the kind of water and sanitation services they require and how those services should be managed” and therefore “when formulating its national water and sanitation policy and programmes, a State should take steps to ensure the active and informed participation of all those likely to be affected.”[[247]](#footnote-247)
2. **Education.** Kishore Singh, the Special Rapporteur from 2010 to the present, discussed State obligations related to safety and disaster risk reduction, and explained that “[p]articipatory processes involving students and their communities must be used to ensure local hazard assessments and preparedness.”[[248]](#footnote-248) Special Rapporteur Vernor Muñoz, the Special Rapporteur from 2004 to 2010, also stated that States should “[e]nsure the involvement of children, parents and civil society in planning school activities, so that safe spaces are provided for students throughout the emergency.”[[249]](#footnote-249)
3. **Extreme Poverty.** Special Rapporteur Sepúlveda Carmona stated, “People living in poverty are entitled to participate in the design, implementation and monitoring of poverty interventions and other policies, programmes and interventions that affect their lives, and to hold duty bearers accountable.”[[250]](#footnote-250) She added, “Government agencies and policymakers must be prepared to give value to the findings of participatory processes, critically examine their own practices and attitudes, and allow the necessary resources and time to enable people living in poverty to participate effectively.”[[251]](#footnote-251) She stated that to ensure meaningful participation of people living in poverty, States should, *inter alia*, adopt a institutional and legal framework, ensure that adequate resources are allocated for ensuring participation, support the role of civil society, ensure accountability, and comply with principles of equality and non-discrimination.[[252]](#footnote-252)
4. The Special Rapporteur also referred to the Aarhus Convention as a means to assist in determining the legal content of the right to participation. In particular, she stated that the Convention “regulates procedural rights for environmental decision-making for State parties. It links environmental rights with human rights, and in particular the right to participation, and is based on three pillars – access to information, public participation in decision-making, and access to justice in environmental matters.”[[253]](#footnote-253)
5. **Toxic Wastes.** Special Rapporteur Ibeanu focused a report on the right to information and participation, and identified the normative basis for the right to participation in various international and regional instruments, including Principle 10 of the Rio Declaration and Articles 6 to 8 of the Aarhus Convention.[[254]](#footnote-254) Ibeanu also noted that the “exercise of the right to participation would be meaningless if there was no access to relevant information on issues of concern.”[[255]](#footnote-255)
6. **Human Rights Defenders.** Special Rapporteur Sekaggya noted that participation in public affairs is a right recognized in various human rights instruments, including the Declaration on Human Rights Defenders.[[256]](#footnote-256) According to Sekaggya, it is vital that Governments facilitate the participation of human rights defenders in the development of policies or projects, as well as in their implementation and evaluation.[[257]](#footnote-257) She explained that human rights defenders are among the “best placed to make the connections between human rights and development programming, as they are often at the heart of social dialogue and interactions between citizens and the Government at the local and community levels.”[[258]](#footnote-258) Additionally, Sekaggya stated that communities and those defending their rights should be allowed to participate actively, freely and meaningfully in the development process and should be protected from retaliation and other violations at all stages of development.[[259]](#footnote-259) Special Rapporteur Sekaggya also pointed out that defenders working on behalf of or as part of populations affected by large-scale development projects should be fully and meaningfully involved in the design, implementation, and evaluation of the projects.[[260]](#footnote-260) Ensuring participation and protection is the duty of both State and non-State actors.[[261]](#footnote-261) She stated, “Participation goes beyond mere consultation; it implies active involvement and empowerment of defenders and building their capacity to interact effectively with other stakeholders.”[[262]](#footnote-262)
7. Sekaggya also stated that those “responsible for the implementation of large-scale development projects should be attentive to expressions of concern or discontent regarding participation and other related issues by local communities and human rights defenders.”[[263]](#footnote-263) Expression by these groups could take the form of protests, including in public spaces, which should be respected by non-State and, in particular, State actors responsible for law enforcement and protection during public assemblies.[[264]](#footnote-264)
8. The Special Rapporteur emphasized that States have an obligation to provide protection to those claiming their legitimate right to participate in decision-making processes and voicing their opposition to large-scale development projects, as well as those defending the rights of local communities in this context.[[265]](#footnote-265) She stressed that “law enforcement officials need to be properly trained in order to apply a proportionate use of force and provide protection to peaceful protesters during assemblies.”[[266]](#footnote-266) She further noted that “ensuring the effective participation of rights holders in projects can contribute significantly to defusing tensions among duty bearers and that defusing tensions would constitute a first step towards enhancing the protection of rights holders.”[[267]](#footnote-267)

### Obligation to Provide Access to Effective Remedies

1. **Toxic Wastes.** Special Rapporteur Ibeanu stated that “[w]here a right exists, so does a remedy”[[268]](#footnote-268) and that “States must also provide effective remedies and restitution to victims of those violations occurring as a result of exposure to hazardous chemicals.”[[269]](#footnote-269) Ibeanu explained that the right to a remedy has two aspects: access to justice and substantive redress. Access to justice requires the existence of independent and impartial bodies capable of affording redress after a hearing that complies with due process guarantees.[[270]](#footnote-270) Ibeanu noted that a growing number of administrative and judicial bodies throughout the world are giving effect to the right to a remedy in cases alleging violations of constitutional rights to a sound environment, sometimes relating the guarantee to the right to life or to health and providing a range of remedies to address environmental conditions.[[271]](#footnote-271)
2. Ibeanu also recommended that “[v]ictims of human rights violations arising from actions or omissions by transnational corporations should be allowed to seek redress in the home country jurisdiction, and home country Governments should ensure that transnational corporations domiciled in their countries be held to account for violating human rights standards.”[[272]](#footnote-272)
3. Special Rapporteur Ibeanu also discussed State obligations to protect and provide remedy against harm from private companies. He stated, “Many of the individual cases brought to the attention of the Special Rapporteur relating to hazardous chemicals deal with allegations of irresponsible or illegal corporate behavior which has a direct adverse effect on the enjoyment of human rights on individuals and communities and which is too often met with impunity.”[[273]](#footnote-273) According to Ibeanu, international human rights law compels States to take effective steps to regulate corporate behavior in relation to hazardous chemicals and holds private companies accountable for any actions taken in breach of such regulations.[[274]](#footnote-274) The Special Rapporteur recommended that in weak governance zones and/or where countries lack capacity to enforce effectively their international human rights obligations, “technical assistance be provided to the governments concerned in order to strengthen their capacity to effectively regulate hazardous chemicals and provide remedies to victims of human rights violations arising as a result of exposure to such chemicals.”[[275]](#footnote-275) In addition,

In the case of transnational corporations operating in weak governance zones, where the host Governments are unable or unwilling to effectively enforce their international human rights obligations, the Special Rapporteur recommends that victims of human rights violations arising from actions or omissions by transnational corporations be allowed to seek redress in the home country jurisdiction, and that home country Governments ensure that transnational corporations domiciled in their countries be held to account for violating human rights standards.[[276]](#footnote-276)

1. **Human Rights Defenders.** Special Rapporteur Sekaggya noted that “mechanisms must be in place for rights-holders to communicate their grievances, claim responsibilities, and obtain effective redress if violations occur, without fear of intimidation.”[[277]](#footnote-277) While the Special Rapporteur recognized that the traditional way of assuring accountability is through the judiciary, she noted that “State-based judicial structures do not operate in a timely or effective manner and therefore are not ideal avenues for upholding the rights of communities affected by large-scale development projects and those defending such rights.”[[278]](#footnote-278) She stated, “The existence of other accountability mechanisms, whether State- based administrative institutions (e.g. national human rights institutions and ombudspersons), grievance mechanisms attached to multi-stakeholder initiatives or independent oversight mechanisms, is therefore crucial in the context of large-scale development projects.”[[279]](#footnote-279) She added, “Affected communities and defenders of their rights should have information about how and to whom to submit a complaint, as well as on the established timeline and stages for processing their complaint.”[[280]](#footnote-280)
2. Special Rapporteur Sekaggya also emphasized that States should not tolerate stigmatization of the work of land and environmental human rights defenders by public officials or the media.[[281]](#footnote-281) Stigmatization of these defenders can foster a climate of intimidation and harassment, which could encourage rejection and violence against defenders.[[282]](#footnote-282) She stated that “States should combat impunity for attacks and violations against these defenders, particularly by non-State actors and those acting in collusion with them, by ensuring prompt and impartial investigations into allegations and appropriate redress and reparation to victim.”[[283]](#footnote-283)
3. **Water**. Special Rapporteur de Albuquerque stated that the human rights framework obliges States to put in place mechanisms to hold the relevant actors accountable.[[284]](#footnote-284) Specifically, they “must provide for redress mechanisms in the law and address barriers that may prevent access to justice in practice, including through measures to overcome obstacles such as prohibitive costs, language requirements, requirements of representation and geographic location of institutions.”[[285]](#footnote-285) Moreover, she explained that “members of the legal profession must be adequately trained in human rights law, including economic, social and cultural rights, non-discrimination law, and environmental law.”[[286]](#footnote-286)
4. De Albuquerque gave examples of successful litigations before national and international courts,[[287]](#footnote-287) including by noting that a “community in Córdoba, Argentina, was affected by an overstretched sewage treatment plant that allowed raw sewage to flow into the local river. The court ordered the city both to provide the community with alternate sources of water in the short term and to reduce the contamination of the river.”[[288]](#footnote-288) She also referred to a decision by the Colombian Constitutional Court that “ordered a pig farm that caused pollution to stop operations based on the applicants’ right to health.”[[289]](#footnote-289)

### Obligation to conduct environmental, social or human rights impact assessments and to monitor environmental threats to human rights

1. **Water.** AsIndependent Expert, Catarina de Albuquerque encouraged States to integrate human rights impact assessments (“HRIAs”) assessing impacts from decisions on provision of water services with social or environmental impact assessments.[[290]](#footnote-290)
2. De Albuquerque also stated that when States plan projects for wastewater management or projects that may have an impact on water quality, they need to carry out impact assessments in line with human rights standards and principles.[[291]](#footnote-291) She recommended that the finding be publicly available and that Government institutions analyse and assess them independently, or carry out their own assessments, as the basis for determining whether licences for a given project will be granted.[[292]](#footnote-292) She explained that a human rights impact assessment can be integrated within existing environmental or social impact assessments.[[293]](#footnote-293)
3. **Human Rights Defenders.** Based on the International Covenant on Economic, Social, and Cultural Rights, Special Rapporteur Sekaggya stated that those responsible for large-scale development projects, including States, should pay attention to multiple grounds of discrimination – such as gender and socioeconomic status – to make sure there are not adverse effects among populations impacted by such development.[[294]](#footnote-294) The Special Rapporteur noted that the best way to ensure equality and non-discrimination is through the use of human rights impact assessments, which should be conducted on a regular basis.[[295]](#footnote-295) She clarified that:

Such assessments should be designed and conducted, on a regular basis, with due consideration being given to human rights and should ensure that the potential impacts of a project are investigated keeping in mind the potential existence of different grounds for discrimination. A human rights impact assessment would be based on an analysis of human rights obligations, not just of the impact of the project on trade or sustainability.[[296]](#footnote-296)

### Obligations to protect environmental human rights defenders

1. **Human Rights Defenders.** Special Rapporteur Sekaggya recommended that:

States should give full recognition to the important work carried out by defenders working on land and environmental issues in trying to find a balance between economic development and respect of the environment, including the right to use land, natural wealth and resources, and the rights of certain groups, including indigenous peoples and minorities.[[297]](#footnote-297)

1. She further stated that “States should not tolerate the stigmatization of the work of these defenders by public officials or the media, particularly in context of social polarization, as this can foster a climate of intimidation and harassment which might encourage rejection and even violence against defenders.”[[298]](#footnote-298) Moreover, “States should combat impunity for attacks and violations against these defenders, particularly by non-State actors and those acting in collusion with them, by ensuring prompt and impartial investigations into allegations and appropriate redress and reparation to victims.”[[299]](#footnote-299)
2. **Toxic Wastes.** Special Rapporteur Georgescu underlined the importance of upholding the rights of environmental defenders within the context of extractive industries, including their freedom of opinion and right to peaceful assembly, and of addressing impunity.[[300]](#footnote-300) He noted that environment defenders provide critically important oversight on situations of environmental degradation resulting from unsound management and disposal of hazardous substances, which must not be unreasonably controlled or restrained.[[301]](#footnote-301) He expressed concern at the “particular vulnerability of women defenders to gender-based violence, particularly in environments that do not encourage the freedom of expression of women, and remind[ed] States of their obligation to protect against such violence.”[[302]](#footnote-302)

## Substantive Obligations

The Special Procedures have made a number of statements relating to general obligations to take measures to safeguard the enjoyment of human rights against environmental harm.

1. **Health.** Special Rapporteur Paul Hunt noted that the duties to “respect, protect, and fulfill” the right to health are equally applicable to the underlying determinants of the right to health.[[303]](#footnote-303) For example, in the context of the underlying determinants of the right to health, such as access to safe water, the duty to respect obliges the State to “refrain from polluting water or arbitrarily interfering with a person’s access to water and sanitation.”[[304]](#footnote-304)
2. Special Rapporteur Grover recommended that States ensure that “[e]xposure to harmful substances in the workplace and home environments that overlap with the workplace is restricted or prohibited, including agricultural pesticides.”[[305]](#footnote-305)
3. **Toxic Wastes**. The mandate on toxic waste discussed State measures necessary to protect human rights from environmental contamination stemming from armed conflict. Special Rapporteur Ibeanu explained that “the realization of the right to health in the context of armed conflict and toxic and dangerous products requires States to take all appropriate measures to limit human exposure to toxic products released during an armed conflict.”[[306]](#footnote-306) In the case of States whose ability to control their borders and territory is limited by armed conflict, this includes the adoption of laws and regulations concerning the illicit movement and dumping of toxic wastes, as well as the means to implement them.[[307]](#footnote-307) In the case of release or the possibility of release of dangerous products as a result of hostilities, the State that could be affected can adopt preventive measures to limit the health impact of a strike on an industrial complex.[[308]](#footnote-308) Measures following a release into the environment could include rapid clean-up efforts and health warnings to the local population, as well as the availability of specialized health services.[[309]](#footnote-309) The State may be subject to an obligation to take all possible measures to ensure the safety of the local population in the aftermath of the incident.[[310]](#footnote-310) These may include, among other things, evacuation, assessment of contamination, and a clean-up and remediation program.[[311]](#footnote-311)
4. Ibeanu also discussed the need to handle toxic and hazardous chemicals during their whole lifecycle. He noted that:

In the field of chemical management, it can thus be argued that the State may be subject to an obligation to take all possible measures to ensure chemical safety, inter alia the development and implementation of policies and programmes aimed to ensure that toxic and hazardous chemicals are handled safely during their whole life cycle and disposed of in such a way that they do not constitute a threat to individuals living in their proximity .[[312]](#footnote-312)

1. Ibeanu also stated that the realization of the right to health in the context of toxic and hazardous household and food products requires States to take all appropriate legislative, administrative, regulatory, judicial and other measures aimed to ensure that chemicals are produced, used, released or incorporated into products or articles only in ways in which risks to human health and to the environment are eliminated.[[313]](#footnote-313) He explained that the “duties of States in this regard translate into obligations to take steps to regulate carefully the production, storage and use of hazardous chemicals in a way that prevents a level of exposure to hazardous chemicals which may result in human rights violations.”[[314]](#footnote-314) These measures include the removal from circulation of chemicals that are known to cause cancer and other malignant conditions, and the dissemination of information on chemicals and chemicals management to the general public.[[315]](#footnote-315)
2. Special Rapporteur Georgescu described obligations related to protecting the right to water from harm to water sources caused by extractive industries.[[316]](#footnote-316) He referred to paragraph 12(b) of the Committee on Economic, Social and Cultural Rights’ General Comment No. 15 (2002) on the right to water, emphasizing that water must be “free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person’s health.[[317]](#footnote-317) He stated that the international framework also provides for the protection of this right for specific groups, including children, women, people living with disabilities and indigenous peoples, with the aim of ensuring that water is available, accessible, safe, acceptable and affordable for all, without discrimination.[[318]](#footnote-318) Georgescu noted that as recognized in international human rights law, access to water that is free from hazardous substances is not only essential for human health and ensuring livelihoods, but also for the enjoyment of certain cultural practices, as is often the case for coastal communities and indigenous peoples.[[319]](#footnote-319)
3. **Education.** Generally, Special Rapporteur Muñoz called on States to uphold the right to education despite the difficulties presented by emergency situations, and recommended “as a first step that this right should be recognized by States, donors, multilateral agencies and organizations as an integral part of the humanitarian response to conflicts and natural disasters.”[[320]](#footnote-320) Muñoz made several recommendations that States could use in order to ensure that the right to education was guaranteed in emergency situations.[[321]](#footnote-321) For example, he urged States to develop plans that prepare for education in emergency situations, including training for the teachers in various aspects of emergency situations.[[322]](#footnote-322) He also recommended that States should “draw up a programme of studies that is adaptable, non-discriminatory, gender-sensitive and of high quality, and that meets children’s and young people’s needs during emergency situations.”[[323]](#footnote-323) He also provided that “States must urgently increase their national, bilateral and multilateral funding commitments for education as a pillar of humanitarian and transitional response.”[[324]](#footnote-324)
4. Special Rapporteur Kishore Singh also underlined “that investing in preventive efforts through education is crucial to protect schools and the communities they serve from the impact of natural disasters”[[325]](#footnote-325) He recommended that “education systems must be actively engaged in the development and implementation of risk management strategies.”[[326]](#footnote-326) He further called on States to “ensure that disaster risk and safety considerations are factored into the planning, design, construction and reconstruction of educational facilities” and “embedded in education policies and curricula.”[[327]](#footnote-327)
5. **Food.** Special Rapporteur De Schuttter stated thatensuring land tenure security will help protect against soil depletion and the loss of biodiversity as monocultures for cash crops expand.[[328]](#footnote-328) De Schutter referred to the State duty to “protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations, prevent water pollution, protect the fertility of the soil, and promote the sustainable management of fisheries and forestry.”[[329]](#footnote-329)
6. **Water.** Special Rapporteur de Albuquerque discussed the principle of sustainability as it relates to the right to water and sanitation. She explained that “[s]ustainability is more than mere reliability or functionality, and requires a balance of its different dimensions. Water and sanitation must be provided in a way that respects the natural environment; finite resources must be protected and overexploitation cannot occur.”[[330]](#footnote-330) Environmental sustainability means that water quality and availability have to be ensured in a way that “respects and supports the larger environment.”[[331]](#footnote-331) Water contamination and over-extraction must be avoided in order to ensure continued access to safe and sufficient water.[[332]](#footnote-332) De Albuquerque also discussed the relation between the right to development and the right to water, particularly in cases where the former is used as a justification for causing environmental harm that can impact on the latter.[[333]](#footnote-333) She cautioned that it has sometimes been argued that development inevitably results in pollution and that developing countries have the right to pursue a path of development that includes pollution. She rejected this approach, stating instead that “development must be sustainable, balancing economic, environmental and social interests.”[[334]](#footnote-334)
7. As Special Rapporteur, Catarina de Albuquerque recommended that water resource management should be also considered as part of a national strategy and/or plan of action specifically devoted to water and/or sanitation.[[335]](#footnote-335) She referred to the Plan of Implementation of the World Summit on Sustainable Development which called on all States to develop integrated water resources management plans by 2005.[[336]](#footnote-336) Integrating human rights into this process would help assure the proper prioritization of basic human needs when water resources are allocated.[[337]](#footnote-337)
8. De Albuquerque discussed the content and scope of regulations necessary to curb water pollution. She explained:

To curb water pollution effectively, regulation must target all sectors and cover the whole country, giving priority to the elimination of the most urgent and serious challenges, which vary from country to country and within countries. They might stem from the use of pesticides and fertilizers in agriculture in rural areas, the non-confinement and non-treatment of sludge and septage in densely populated urban areas, or from industrial wastewater in areas that experience sudden economic growth. States have to assess the situation at the micro level and prioritize addressing the most urgent challenges.[[338]](#footnote-338)

She further explained that regulation must aim both at managing wastewater to reduce the impact of pollution as well as preventing pollution, and that regulation can set standards with numerical limits for certain substances or entirely ban particularly dangerous substances.[[339]](#footnote-339) It can also foresee the issuance of permits for discharges of a certain volume and quality.[[340]](#footnote-340)

1. De Albuquerque also noted that environmental sustainability must be taken into account as part of guaranteeing the right to water and sanitation. She stated, “Environmental sustainability means that water quality and availability have to be ensured in a way that respects and supports the larger environment. Water contamination and over-extraction must be avoided in order to ensure continued access to safe and sufficient water.”[[341]](#footnote-341) She recommended as a good practice to:

aim to map existing groundwater availability and current use patterns and avoid over-abstraction of groundwater by industrial or agricultural users so as to ensure that sufficient water resources are available for personal and domestic uses. Moreover, considering the impacts of climate change and changing water availability and variability, adaptive capacity is important. Similarly, good practices in the area of sanitation should contribute to environmental sanitation, for example by ensuring that human excreta do not leak into groundwater.[[342]](#footnote-342)

## Obligations Relating to Members of Specific Groups

### Groups in vulnerable positions generally

1. **Human Rights Defenders.** Special Rapporteur Sekaggya discussed obligations rooted in equality and non-discrimination toward communities impacted by large-scale development projects. She stated that the principles of equality and non-discrimination imply that the human rights of these groups should not be violated at any stage during the process.[[343]](#footnote-343) According to her:

this means that defenders working on behalf of or as part of populations affected by such projects should be fully and meaningfully involved in their design, implementation and evaluation. *Particular attention has to be paid to those who traditionally have been marginalized and excluded from decision-making processes to ensure that their concerns are heard and that the impacts of such projects do not violate their rights*.[[344]](#footnote-344)

1. She further noted that “those responsible for the project should make sure that those traditionally marginalized and excluded from decision-making are able to voice their opinion and participate on their own terms in the process.”[[345]](#footnote-345)
2. **Food.** Special Rapporteur De Scutter noted the close link between access to land and the right to food. He clarified that the right to food:

requires that States refrain from taking measures that may deprive individuals of access to productive resources on which they depend when they produce food for themselves (the obligation to respect), that they protect such access from encroachment by other private parties (the obligation to protect) and that they seek to strengthen people’s access to and utilization of resources and means to ensure their livelihoods, including food security (the obligation to fulfil).[[346]](#footnote-346)

1. He stated, “For some of the groups that are the most vulnerable today, this means protecting existing access to land, water, grazing or fishing grounds, or forests, all of which may be productive resources essential for a decent livelihood. In such cases, as detailed below, the right to food may complement the protection of the right to property.”[[347]](#footnote-347)

### Indigenous Peoples

1. **Food.**  Special Rapporteur De Schutter identified situations in which States must provide additional duties to indigenous peoples because of their unique cultural relationship to the land and its resources. He stated that indigenous peoples are increasingly victims of the exploitation of natural resources on their lands, which are often regarded as belonging to the State. [[348]](#footnote-348) Referring to Articles 25 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), he noted that States must “give legal recognition and protection to these [sacred] lands, territories and resources, with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.”[[349]](#footnote-349) The right of indigenous communities to their lands, De Schutter explained, includes the right to the natural resources contained therein.[[350]](#footnote-350) De Schutter added, “International human rights law protects the relationship of indigenous communities with their lands, territories and resources by requiring States to demarcate such land, protect it from encroachment and respect the right of the communities concerned to manage it according to their internal modes of organization.”[[351]](#footnote-351) Referring to UNDRIP article 8(2)(b), he noted that States should prohibit “any action which has the aim or effect of dispossessing [indigenous peoples] of their lands, territories or resources.”[[352]](#footnote-352)
2. De Schutter also explained that UNDRIP incorporates the principle of free, prior and informed consent.[[353]](#footnote-353) He cited article 32(2) of UNDRIP, which provides that:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.[[354]](#footnote-354)

1. De Schutter further explained that the Inter-American Court of Human Rights and the African Commission on Human and Peoples’ Rights consider that indigenous people’s traditional possession of their lands has effects equivalent to those of a State-granted full property title.[[355]](#footnote-355) Therefore, he stated, “where members of indigenous peoples have unwillingly lost possession of their lands after a lawful transfer to innocent third parties, they are entitled to the restitution thereof or to obtain other lands [and the natural resources contained therein] of equal extension and quality.”[[356]](#footnote-356)
2. In his report on indigenous groups in Canada, De Schutter stated that indigenous peoples are “uniquely positioned with respect to food by virtue of their relationship with traditional lands and the natural resources therein, which is a central component of their identity.”[[357]](#footnote-357) Accordingly, he noted that indigenous peoples are generally recognized as having broader rights to natural resources under international human rights law.[[358]](#footnote-358) Indigenous groups “have the right to use natural resources as a means of supporting their cultural integrity through traditional economic activities, such as subsistence agriculture, hunting and fishing, as well as religious or spiritual activities.”[[359]](#footnote-359)
3. Special Rapporteur De Schutter also explored the rights of indigenous groups in his report on Cameroon, where he explained that the Pygmies rely for their livelihood on hunting and gathering, as well as non-timber forest products (honey, wild yams, caterpillars, fruit, snails, etc.), and that they “therefore rely directly on access to forests for their food, and forests are an integral part of their cultural identity.”[[360]](#footnote-360) He concluded that “the views of these [Pygmy] communities have not been taken into account in decisions concerning the concession of territory on which they rely for their subsistence” and that “these groups do not generally benefit in any way from the exploitation of their land by the forest industry.” [[361]](#footnote-361) Moreover, he cautioned that if “appropriate measures are not taken to protect their rights, development projects such as forest exploitation and large-scale plantations will further marginalize the Pygmies, instead of improving their situation.”[[362]](#footnote-362)
4. **Business.** In addition to the general requirements articulated in the Guiding Principles on Business and Human Rights, the Working Group on Business and Human Rights has also discussed how the State duty to protect against human rights abuses perpetrated by businesses applies specifically to indigenous peoples.[[363]](#footnote-363) The Working Group noted that business enterprises are often the third party that infringes upon the enjoyment of human rights by indigenous populations.[[364]](#footnote-364) It stated that the “duty to protect implies that States must take measures to prevent or end infringement upon the enjoyment of a given human right caused by third parties.[[365]](#footnote-365) Specifically, it stated:

States are not therefore per se responsible for abuse of the rights of indigenous peoples by private actors. States may, however, breach the duty to protect where such abuse can be attributed to them, or where they fail to take appropriate steps to prevent, investigate, punish and redress abuse by private actors. States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations and, among other measures, should provide effective guidance to business enterprises on how to do so.[[366]](#footnote-366)

1. In particular, the Working Group recognized that free, prior and informed consent is “a fundamental element of the rights of indigenous peoples, on which rests the ability to exercise and enjoy a number of other rights.”[[367]](#footnote-367) It explained that free, prior and informed consent means that:

States have an obligation to consult and cooperate in good faith to obtain free, prior and informed consent before the adoption of legislation or administrative policies that affect indigenous peoples (art. 19 of the United Nations Declaration on the Rights of Indigenous Peoples) and the undertaking of projects that affect the rights of indigenous peoples to land, territory and resources, including mining and other utilization or exploitation of resources (arts. 19 and 32 of the Declaration).[[368]](#footnote-368)

Moreover, the free, prior and informed consent process “should be as far as possible determined and controlled by the indigenous community in question” so that they can exercise their “right to self-determination and…control their own territories, resources and destinies.”[[369]](#footnote-369) The Working Group observed if the elements of free, prior and informed consent are not met, “it may lead to the revocation of consent given.”[[370]](#footnote-370)

1. The Working Group, however, noted difficulties in applying free, prior and informed consent. It stated, “While free, prior and informed consent does not necessarily require unanimity and may be achieved even when individuals or groups within the community explicitly disagree…identifying legitimate representatives of indigenous peoples is of particular importance, as is the definition of consent in the context of indigenous customary institutions.”[[371]](#footnote-371) Additional challenges exist “where [consent] involves customary decision-making processes…and knowing whether consent given at the outset of an investment could be subsequently withdrawn.”[[372]](#footnote-372)
2. The Working Group also noted that “State-owned or State-controlled corporations appear to be playing an increasing role in business activities that adversely affect indigenous peoples” and that “[m]any of these enterprises are investing in resource extraction (mining, forestry or oil drilling) or infrastructure projects (dams, roads, pipelines, etc.) that affect indigenous lands and territories.”[[373]](#footnote-373) The Working Group explained that with respect to State-owned or controlled businesses, “Guiding Principle 4 provides that States should take additional steps to protect against human rights abuses by those business enterprises in order to meet their duty to protect the rights of indigenous peoples.”[[374]](#footnote-374) It recommended that this could be achieved through “the development of a comprehensive policy framework before the planning and development of such programmes [that affect indigenous communities].”[[375]](#footnote-375) Such a framework should, among other things:

ensure the full recognition and operationalization of the right of indigenous peoples to self-determination and to participate in decision-making in matters affecting their rights; their right to determine and develop strategies for exercising their right to development and for the development or use of their lands or territories, or other resources, and the principle of free, prior and informed consent that flows from these rights.[[376]](#footnote-376)

In addition, the framework should provide effective remedy mechanisms.[[377]](#footnote-377)

1. The Working Group also stated, “Free trade agreements and bilateral investment agreements entered into by States with the aim of promoting trade and investment have a significant impact on indigenous peoples.”[[378]](#footnote-378) According to the Working Group, these agreements “often concern investments in extraction of natural resources on indigenous lands and territories, with the risk of adverse impacts on the rights of indigenous communities, affecting livelihoods, culture and the ability of indigenous peoples to decide their own paths to development.”[[379]](#footnote-379) Referring to Guiding Principle 9, the Working Group noted that States should, *inter alia*, “maintain adequate domestic policy space to meet their human rights obligations when pursuing investment treaties and contracts” and in doing so, “States should take into account the specific needs and vulnerabilities of indigenous peoples that are gender sensitive, to avoid restricting their ability to meet their obligations to them.”[[380]](#footnote-380)

### Women

1. **Health.** Special Rapporteur Paul Hunt stated that “even though women bear a disproportionate burden in the collection of water and disposal of family wastewater, they are often excluded from relevant decision-making processes.”[[381]](#footnote-381) He recommended that “States should therefore take measures to ensure that women are not excluded from decision-making processes concerning water and sanitation management.”[[382]](#footnote-382)
2. **Education.** Special Rapporteur Vernor Muñoz noted that “the impact of emergencies on girls is more serious given that historically they have been the victims of exploitation and emotional and physical aggression, especially sexual aggression.”[[383]](#footnote-383) He recommended that when States develop plans that prepare for education for emergency situations, they should “[d]esign and implement specific plans to avoid exploitation of girls and young women in the wake of emergencies.”[[384]](#footnote-384) Moreover, he explained that “it is of fundamental importance for early response to emergencies to develop appropriate curricula that can be adapted to their needs and rights.”[[385]](#footnote-385) States must also provide “comprehensive protection for young and adolescent girls, guaranteeing their safety en route to and from school and environments free of aggression, by means of strategies that will encourage them to stay in school.”[[386]](#footnote-386) He also noted the importance of working with women teachers to achieve these goals.[[387]](#footnote-387)
3. **Toxic Wastes**. Special Rapporteur Georgescu stated that “due to the harmful effects of mercury on the female reproduction function, international human rights law requires States parties to put in place preventive measures and programmes to protect women of childbearing age from mercury exposure.”[[388]](#footnote-388)

### Displaced Persons

1. **Education:** Special Rapporteur Vernor Muñoz noted legal obligations towards children displaced by natural disasters and other emergencies. Referring to article 22 of the Convention on the Rights of the Child, he explained that “States are obliged to ensure that a child who is seeking refugee status receives appropriate protection and humanitarian assistance, and enjoys all the rights set forth in the Convention. This includes the obligation to provide prompt and full access to education and rapid integration into the regular education system.”[[389]](#footnote-389)
2. **Internally Displaced Persons.** Special Representative Walter Kälin stated, “Effective disaster risk reduction is essential for protecting lives and preventing or at least reducing displacement caused by the effects of natural disasters.[[390]](#footnote-390) Special Rapporteur Chaloka Beyani noted that “human rights obligations engage State responsibility before disaster strikes as well in its aftermath.”[[391]](#footnote-391)
3. Kälin noted that the most important measures states can use to prevent displacement have to be taken before disasters strikes.[[392]](#footnote-392) For example, Kälin recommended that states invest more resources and thought into improving early warning systems, disaster contingency planning as well as disaster mitigation measures as part of their development activities, especially also in efforts to protect the environment in light of the natural protection it may provide against natural hazards.”[[393]](#footnote-393) In addition, he recommended that “States should recognize that the protection process has to be cyclical. Natural hazards are very often recurring phenomena, which allows for the constant adaptation and optimization of preparedness and mitigation measures in place.”[[394]](#footnote-394)
4. Should relocation be necessary due to the impacts from a natural disaster, Kälin stated that “States must implement relocation in a fair and non-discriminatory way, balancing all relevant factors, including geographical features of land, concerns regarding environmental protection, and the impact geography and the environment has on the livelihoods of socially marginalized groups.”[[395]](#footnote-395)
5. Kälin and Beyani also recommended State obligations and practices during country visits. For example, in his visit to Somalia, Kälin noted that “[w]hile natural disasters cannot be prevented, their effects on individuals can be mitigated and the population’s vulnerabilities and exposure to disasters can be reduced and their resilience built upon.”[[396]](#footnote-396) For example, he recommended that such measures could include “livelihood assistance projects for affected populations, and recovery and development efforts in disaster-affected areas, such as the introduction of drought-resistant crops or elements of mechanized farming.”[[397]](#footnote-397)
6. With regard to Kenya, for example, Special Rapporteur Beyani recommended that the country:

strengthen overall national capacity with regard to natural disasters (both sudden and slow onset) and the prevention and mitigation of internal displacement, including through enhanced: research; monitoring; disaster risk reduction and early warning; operational and policy responses (for example, relating to livelihoods and food security); and related regional and international cooperation, including in the context of adaptation and responses to climate change.[[398]](#footnote-398)

1. After his mission to the Maldives, Beyani recommended that the Government of the Maldives “[e]nsure that national disaster management systems, laws and policies, as well as national development plans, climate change-adaptation strategies and internal displacement frameworks incorporate a human rights-based approach at all stages.”[[399]](#footnote-399)

### Persons living in extreme poverty

1. **Extreme Poverty.** Independent Expert Carmona noted that persons living in extreme poverty are also disproportionately affected by, *inter alia*, natural disasters and climate change and they are, “in general, less able to prepare for, adapt to and recover from crises.”[[400]](#footnote-400) She stressed the importance of “adopting specific measures to ensure a safe and healthy environment in areas inhabited by persons living in extreme poverty, in particular, protecting these areas from climatic and health hazards.”[[401]](#footnote-401)

### Agricultural Workers

1. **Health.** Special Rapporteur Grover stated that although exposure to pesticides has been linked to various acute and chronic toxic illnesses, including a number of types of cancer, “in many countries the law does not require pesticide use labels to be printed in languages understood by migrant workers in the jurisdiction.”[[402]](#footnote-402) He further stated that “there are strong indications that efforts to regulate the distribution, application and disposure of such pesticides have been ineffective in reducing exposure and that “[s]uch regulations are deficient in scope and under-enforced in both the developed and the developing world.”[[403]](#footnote-403)
2. The Special Rapporteur stated that:

States must take steps to minimize, as far as reasonably practical, the resulting harm. Where hazards exist they should be identified and workers should be made aware of the risks of exposure. Workers should be empowered to determine when hazards pose a risk to their health that they deem unacceptable. In these circumstances, the right to health requires that workers, at all times, retain the right to refuse dangerous or unsafe work without fear of losing their job.[[404]](#footnote-404)

## Obligations relating to Climate Change

1. **Health.** Special Rapporteur Hunt called on the “Human Rights Council to urgently study the impact of climate change on human rights generally and the right to the highest attainable standard of health in particular.”[[405]](#footnote-405)
2. **Housing.** Special Rapporteur Rolnik recommended several obligations on States to reduce the negative effects of climate change.
3. Rolnik stressed that any effective response to the inevitable effects of climate change will require cooperation at the international level.[[406]](#footnote-406) She stated:

This is a necessary response to the disproportionate distribution of the causes and effects of climate change. It is also consistent with the long-standing obligations concerning international assistance and cooperation emphasized in the International Covenant on Economic, Social and Cultural Rights (article 2.1) and Articles 55 and 56 of the Charter of the United Nations.[[407]](#footnote-407)

1. She noted that “[s]ome affected regions already face extreme levels of vulnerability and are not able to confront climate change impacts within their existing resources; so they therefore depend upon international support for adaptation.”[[408]](#footnote-408) She added, “Given the global nature of the threat of climate change, internationally coordinated action to assume collective stewardship of the global climate is particularly critical.”[[409]](#footnote-409) She stated that in order for the international community to effectively assist countries and groups of people particularly vulnerable to the effects of climate change in adaptation strategies, assistance should come from new resources, distinct from funds earmarked for regular development assistance.[[410]](#footnote-410)
2. Rolnik also described obligations on States to employ measures to mitigate climate change and adapt to its impacts.[[411]](#footnote-411) She recommended that “States must uphold their human rights obligations in all areas of action, including with regard to mitigation and adaptation projects and measures. They should also ensure that measures intended to protect people from the effects of climate change do not result in the unintended violation of other human rights.”[[412]](#footnote-412) For example, she explained that “without adequate human rights safeguards, mitigation measures related to the development of alternative sources of energy, such as hydroelectric dams, may result in human rights violations.”[[413]](#footnote-413)
3. Rolnik stated, “Human rights standards require all countries to seek to reduce their harmful emissions to the global atmosphere, with a view to reducing their negative effect on the enjoyment of human rights.”[[414]](#footnote-414) Referring to the “equity principle” in the UN Framework Convention on Climate Change, she stated that developed countries must lead in reducing emission levels “and support developing countries in pursuing low-carbon development paths”.[[415]](#footnote-415)
4. In terms of levels of emissions reductions, Rolnik specified that reductions “must be sufficient to adequately stabilize the Earth’s climate and avoid contributing to further challenges to the enjoyment of human rights, which will otherwise follow.”[[416]](#footnote-416) She noted that in order to avoid dangerous climate change, global temperature increases must be kept under 2°C (above pre-industrial levels).[[417]](#footnote-417) She noted that this will require global greenhouse gas emissions to peak before 2015 and to be reduced to approximately 50 per cent of the current level by the year 2050.[[418]](#footnote-418)
5. Nationally, she explained that developing countries, in the context of mitigation, have an obligation to create development plans that take into account the urgent need to refrain from contributing further to emissions levels that cause climate change.[[419]](#footnote-419) This requires the design of economic development strategies that will avoid reliance on fossil fuel to power national growth.[[420]](#footnote-420) Rolnik explained that “[m]itigation strategies in developed countries include the mobilization of renewable, decentralized energy devices and technologies.”[[421]](#footnote-421) For example:

New building standards have been adopted to reduce the need for artificial cooling and heating and to promote the concept of energy-plus housing, which refers to houses that have the capacity not only to provide energy for their own consumption but also to generate a surplus that can be used for other purposes.”[[422]](#footnote-422)

1. According to Rolnik, human rights “mandates” also require the participation of groups that stand to be affected in the design and implementation of mitigation and adaption projects.[[423]](#footnote-423) She explained that:

Informed and effective participation, in turn, requires that information about the mitigation targets and decisions related to those goals are managed transparently. The principle of participation in the context of mitigation initiatives should be implemented to ensure that those who stand to be most directly affected have a say in its design and implementation, which could help anticipate, and thus avert, new rights violations that could result from the measure under discussion.[[424]](#footnote-424)

1. She also stressed the need for remedy related to climate change impacts, stating, “Human rights standards would also require the existence of institutional forms of redress for grievances, compensation in response to inevitable damages and an evaluation of the distributional impacts of projects and effects.”[[425]](#footnote-425)
2. Rolnik also discussed adaptation measures, and particularly those related to the protection of vulnerable groups. She stated, “Climate change adaptation efforts should give priority to the needs of the most vulnerable and start by identifying the measures to be introduced for their protection.”[[426]](#footnote-426) She explained that a human rights approach “has much to offer towards adaptation to climate change and reduction of the risks posed by natural disasters.”[[427]](#footnote-427)
3. For example, she noted that States can implement projects such as risk assessments in urban planning, rural development projects and housing design, to strengthen the resilience and capacity of the most vulnerable groups to adapt to climate change.[[428]](#footnote-428) Rolnik specified that adaptation measures to climate change need to include an assessment of the areas most at risk and the particularly vulnerable groups within the population.[[429]](#footnote-429) She noted that normally, the most effective adaptation is establishing necessary infrastructure, such as improving building quality and providing infrastructure and services, that may prevent extreme weather events from becoming disasters.[[430]](#footnote-430) Moreover, she stated that warning information must be communicated to all neighbourhoods at risk in order to allow dwellers to seek protection and to take risk reduction actions.[[431]](#footnote-431) She also recommended that “access to affordable and well-located land for the urban poor is essential in order to avoid further unplanned settlement expansions or settling the poor far away from income-earning or human development opportunities.”[[432]](#footnote-432) However, Rolnik also recognized that such adaptation measures may be constrained by a lack of funding and capacity.[[433]](#footnote-433)
4. In addition, Rolnik touched on the need for the State to ensure adequate resettlement for those who are temporarily displaced by climate-change related disasters.[[434]](#footnote-434) She stated, “In such cases, temporary relocation must last only as long as absolutely necessary and all displaced persons should have the right to return to their homes without discrimination.”[[435]](#footnote-435)
5. Rolnik also discussed human rights obligations and good practices related to climate change during her visit to the Maldives.[[436]](#footnote-436) For example, she expressed her concern that some engineering projects geared towards climate change adaptation have been carried out without proper environmental assessment.[[437]](#footnote-437) She also noted that soft engineering solutions, like the rehabilitation of mangroves or other natural barriers to flooding, can, in many cases, be sustainable and make islands more resilient to sea movements, without the need for costly and heavy building works.[[438]](#footnote-438) She recommended that any adaptation programme should give priority to eco-friendly solutions, and the impact of hard engineering solutions should be carefully assessed.[[439]](#footnote-439) Rolnik also stressed the responsibility of the international community to support adaptation strategies in Maldives.[[440]](#footnote-440) In this regard, she stated that internationally funded studies, internal capacity building, and innovative approaches are required to allow the design of climate change adaptation programs and projects.[[441]](#footnote-441)
6. Rolnik expressed concern “that Maldives is becoming more and more dependent on carbon; patterns of consumption are increasing and the importation of goods, including the movement of all construction materials, is heavily dependent on transport by boat or by air.”[[442]](#footnote-442)
7. **Food.** The mandate of the Special Rapporteur on the right to food also discussed various obligations and good practices related to climate change.
8. Special Rapporteur De Schutter referred to the International Assessment of Agricultural Knowledge, Science and Technology for Development, sponsored by the Food and Agriculture Organization and the World Bank, which concluded that “the way the world grows its food will have to change radically to better serve the poor and hungry if the world is to cope with a growing population and climate change while avoiding social breakdown and environmental collapse.”[[443]](#footnote-443) De Schutter noted the “almost complete silence in international discussions” about the conclusions of the International Assessment of Agricultural Knowledge, Science and Technology for Development which he asserted is an indicator of the risk that the “need for both social and environmental sustainability of the solutions devised will be.”[[444]](#footnote-444) He also referred to the conclusion of the World Bank that noted "managing grain price risk is a fundamental requirement in a world characterized by more volatile international grain prices and recurring supply shocks that will likely result from global warming."[[445]](#footnote-445)
9. Special Rapporteur De Schutter also stated that agroecology improves resilience to climate change.[[446]](#footnote-446) He stated that “agroecological techniques can significantly cushion the negative impacts of such [extreme weather-related] events, for resilience is strengthened by the use promotion of agricultural biodiversity at ecosystem, farm system and farmer field levels, which is materialized by many agroecological approaches.”[[447]](#footnote-447) He also noted that agroecological modes of farming are better equipped to deal with more frequent floods and droughts due to climate change.[[448]](#footnote-448) For example, De Schutter referred to an agroforesty program adopted in Malawi that protected crops after a major drought due to the improved soil filtration agroforesty allowed.[[449]](#footnote-449) According to De Schutter, agroecology also helps promote agricultural biodiversity, which helps to mitigate risks from extreme weather events, as well as from the invasion of new pests, weeds and diseases, that will result from global warming.[[450]](#footnote-450)
10. Lastly, De Schutter noted that agroecology helps reduce the reliance on fossil fuels in food production.[[451]](#footnote-451) He stated that agroecology “contributes to mitigating climate change, both by increasing carbon sinks in soil organic matter and above-ground biomass, and by avoiding carbon dioxide or other greenhouse gas emissions from farms by reducing direct and indirect energy use.”[[452]](#footnote-452) Thus, agroecology can be used to help sequester carbon in soils and store carbon as soil organic matter, which will ultimately help decrease the levels of carbon dioxide in the environment.[[453]](#footnote-453)
11. **Water.** Although Independent Expert de Albuquerque did not draft the position paper on *Climate Change and the Human Rights to Water and Sanitation*,[[454]](#footnote-454) she endorsed its content and supported its recommendations. A summary of the content and recommendations of the position paper are presented below.
12. First, the position paper provided several recommendations to the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in preparation for COP 16. They included, *inter alia,* that parties shouldrecognise the adverse impact of climate change on the enjoyment of human rights, especially the rights to water and sanitation, and ensure that future strategies, plans and policy-making integrate human rights standards and principles; make information widely available in a range of languages and accessible formats, insofar as the implications of climate change for water and sanitation are concerned; ensure more active, free and meaningful participation in climate negotiations under UNFCCC auspices, with the specific objective of integrating perspectives from the water and sanitation sectors, and human rights perspectives; and integrate a human rights based approach in National Adaptation Plans of Action (NAPAs). [[455]](#footnote-455)
13. The position paper also made over 20 general recommendations to States and, as appropriate, the UNFCCC and concerned international organizations.[[456]](#footnote-456) For example, the paper recommended that they: protect the rights to water and sanitation in all adaptation plans and programmes at global, regional and national levels; collect the necessary data on a comprehensive and regular basis to enable adequate monitoring of the quality of water and sanitation in the face of climate change risks; ensure resilience of water and sanitation infrastructure as a major climate adaptation measure; prioritize climate change interventions to protect or ensure access to safe drinking water and to sanitation for marginalized or discriminated-against groups, who risk suffering the most from climate change; ensure participation of concerned communities and stakeholders in local and national adaptation efforts; develop and support the functioning of accessible, affordable, timely and effective mechanisms of redress – including judicial, quasi-judicial and administrative mechanisms – to safeguard against violations of the human rights to water and sanitation at the national level arising from climate risks and climate change policy-making; ensure adequate and flexible financing mechanisms to speed up investment in water management in developing countries, with a particular focus on the most vulnerable communities, in conformity with human rights; and promote a human rights based approach to Integrated Water Resources Management, emphasizing participation, non-discrimination, and accountability.[[457]](#footnote-457)
14. The paper also requested that Special Procedures and member States of the UN Human Rights Council and human rights treaty bodies give more attention to human rights issues related to climate change.[[458]](#footnote-458)
15. **Extreme Poverty**. Independent Expert Sepúlveda Carmona stated that any attempt to reduce poverty must be accompanied by efforts to tackle and mitigate the effects of climate change at the country, community and individual levels.[[459]](#footnote-459) She stated that social protection programmes can “shield the most vulnerable and marginalized from shocks caused by environmental degradation as a result of climate change and help them to adapt and meet their needs without undermining the capacity of the environment to provide for those needs over the long term.”[[460]](#footnote-460) For example, she explained, this could include “cash transfers to those who are most vulnerable to climate change risks and have the least adaptive capacity.”[[461]](#footnote-461)
16. Moreover, she noted that the challenges posed by climate change can also provide an opportunity for States to address poverty reduction. She explained:

While climate change simultaneously poses massive challenges for human rights and the prospects of those living in extreme poverty, the international and domestic actions required in the context of climate change represent an unparalleled opportunity to overcome poverty, generate new levels of development, further the realization of human rights and build a more stable, balanced and robust global economy.[[462]](#footnote-462)

1. In this context, she stated that States — particularly the industrialized countries that emit high levels of greenhouse gasses — “must provide substantial funding, separate from and additional to pre-existing official development assistance (ODA) commitments, to help developing countries adapt to the inevitable effects of a warming climate.”[[463]](#footnote-463)
2. **Internally Displaced Persons.** Special Representative Walter Kälin noted that initiatives related to issues of climate change are of particular importance for the protection of persons displaced by natural disasters.[[464]](#footnote-464) He quoted from the 2005 Hyogo Framework for Action, which provides that:

Each State has the primary responsibility [...] for taking effective measures to reduce disaster risk, including for the protection of people on its territory [...] from the impact of disasters’and sets out five priorities for action, namely to (1) make disaster risk reduction ‘a national and a local priority with a strong institutional basis for implementation’; (2) ‘enhance early warning’ on the basis of identifying, assessing and monitoring disaster risks, (3) ‘build a culture of safety and resilience at all levels’; (4) ‘reduce the underlying risk factors’; and (5) ‘Strengthen disaster preparedness for effective response at all levels.’Disaster risk reduction is crucial in reducing or preventing displacement caused by natural disasters.[[465]](#footnote-465)

1. Kälin also recommended that States “ensure that the emerging framework to address climate change deals with the nexus between the effects of climate change and displacement and that the least developed countries are provided with the resources and expertise to address the human consequences of climate change.”[[466]](#footnote-466)
2. Special Rapporteur Chaloka Beyani stated that:

In the case of climate change and environmental destruction, due diligence obligations should prevail in order to prevent or mitigate the impact of natural disasters and the deterioration of environments necessary to human life and to the particular way of life of certain groups such as indigenous peoples, and persons with pastoralist or nomadic lifestyles.[[467]](#footnote-467)

1. Beyani further noted that in addition to the individual and collective responsibility of States to put in place adequate preventive and mitigation strategies, such as measures relating to climate change adaptation and disaster risk management, “States also bear responsibility for securing the human rights of persons affected directly or indirectly by related events.”[[468]](#footnote-468) He stated that this includes, among other things, “addressing food crises brought on or aggravated by loss of arable land, droughts, floods, and loss of biodiversity, but it also entails putting in place systems of social protection for persons who have become landless, homeless, deprived of livelihoods – and more often than not also internally displaced.”[[469]](#footnote-469)
2. According to Special Rapporteur Beyani, “A human rights-based approach should be used to inform and strengthen all actions, at the local, regional, national and international levels, to address climate change-related internal displacement.”[[470]](#footnote-470) Beyani referred to the Guiding Principles on Internal Displacement, which he explained “are based on standards in international human rights law, humanitarian law and, by analogy, refugee law, provide a sound legal framework which States should implement at the national level through legislation, policies and institutions.”[[471]](#footnote-471)
3. Beyani also stressed that adaptation measures to address climate change-induced displacement should be “comprehensive in nature, so as to encompass disaster risk reduction and management; proactive strategies to prevent or minimize displacement; planned relocations, when appropriate; pre-emptive internal migration when this is based on sound national policies and used as a coping mechanism in the case of slow-onset disasters; and durable solutions.”[[472]](#footnote-472) Such measures, he explained, must be in line with international human rights obligations, and include the provision of humanitarian assistance and protection to affected persons during the displacement phase.[[473]](#footnote-473)
4. Beyani reminded States that in the case of climate change and environmental destruction “due diligence obligations should prevail in order to prevent or mitigate the impact of natural disasters and the deterioration of environments necessary to human life and to the particular way of life of certain groups such as indigenous peoples, and persons with pastoralist or nomadic lifestyles.”[[474]](#footnote-474) According to Beyani, “these groups of persons as well as vulnerable groups, such as those suffering from chronic poverty in the developing world, are expected to be the most affected by climate change, natural disasters, and the ensuing displacement.”[[475]](#footnote-475)
5. Beyani also recommended for States to “closely examine the gender dimensions of displacement linked to the effects of climate change, in order to identify specific vulnerabilities and good practices in gender-sensitive protection, assistance, adaptation, mitigation, relocation and reconstruction processes.”[[476]](#footnote-476)
6. After his mission to Maldives, Beyani cautioned that land reclamation projects and protective walls seeking to minimise the effects of climate change, including in the form of more frequent and severe weather events and a rise in sea levels, may also cause environmental harm.[[477]](#footnote-477) He stated, “While engineering techniques in relation to these measures appear to have improved over the years, continued care, environmental assessments and research is encouraged in this respect so that land reclamation projects do not have an adverse impact on reefs and the natural resilience of some islands.”[[478]](#footnote-478) However, the Special Rapporteur explained that:

In the context of the various challenges faced by Maldives, disaster risk reduction and adaptation strategies, while essential, will not be sufficient to prevent internal displacement altogether, and that increased national attention, dialogue and commitment to address issues related to internal displacement should now be a priority for the country.[[479]](#footnote-479)

1. Special Rapporteur Beyani also discussed the importance of assessing the impact that climate-change related displacement could have on urban areas. He stated:
2. Urban dimensions of climate-change-induced displacement should be a key consideration in medium and long-term national development strategies, as well as adaptation measures. These should include strengthened systems to monitor influxes of IDPs, and to address the assistance and durable solutions needs of IDPs outside camps living in urban areas. IDPs, who are more likely to be unlisted and undocumented, are also likely to have less access to services and livelihoods, and to live in slum areas which are often situated in hazard-prone locations such as low-lying areas and landfill sites –thereby making them vulnerable to further risks, including to their physical safety, the loss of housing, and secondary displacement.[[480]](#footnote-480)
3. **Migration.** Special Rapporteur Crépeau recommended several obligations and good practices for States to address the impacts of climate change on migrants. As a preliminary matter, he explained that in order to better understand the nature of duties on governments, “given the multiplicity of locales which are affected by the issue, it is also useful to distinguish between the situation of States concerned by internal climate-change-induced migration, States of origin and States of destination of international climate-change-induced migration, and all States.”[[481]](#footnote-481)
4. He recommended that when assessing and planning programmes for mitigation and adaptation measures to cope with climate change, “States must identify the priority vulnerable populations who are susceptible to migrate internally or internationally for causes at least partly related to climate change, as well as those who should migrate but are not able to do so, and identify their specific needs.”[[482]](#footnote-482) However, the Special Rapportuer reminded States that:

determining who will be affected by climate change and compelled to migrate cannot be ascertained in isolation. Attention must be paid to the full circumstances of individuals, groups and communities affected, including the political dimension. This must include an examination, based on a human rights approach, of why and how certain persons may be more vulnerable to climate change, as well as an examination of their effective access to different coping mechanisms through mitigation and adaptation strategies.[[483]](#footnote-483)

1. Crépeau further advised that “States should support civil society organizations that give a voice to such vulnerable populations, including migrants or potential migrants, with a view to ensuring their meaningful participation in all the deliberations regarding their future as citizens and/or migrants.”[[484]](#footnote-484)
2. The Special Rapporteur also recommended that States should “devise and implement local and national migration policies and strategies to facilitate internal climate-change-induced migration, where needed, including through building urban infrastructure that is sustainable, flexible and inclusive in order to accommodate internal migrants.”[[485]](#footnote-485) He explained that such policies and strategies should fully respect domestic laws and international human rights law obligations, including ensuring the political participation of vulnerable populations, non-discrimination of climate-change-induced migrants, and a means of redress against human rights violations.[[486]](#footnote-486) Because climate-change-induced migrants are more vulnerable because of a lack of social structure, possible linguistic disadvantage, and health fragility due to the displacement, the “specific needs of climate-change-induced migrants should be recognized and dealt with through specific programmes. Furthermore, States must take specific measures to allow arriving climate-change-induced migrants to best adapt to the community of destination.”[[487]](#footnote-487)
3. Although States cannot prevent their population from moving to another State, the Special Rapporteur noted the obligation on “States [of origin] to provide necessary education and training for future migrants to be able to adapt to a new society.”[[488]](#footnote-488) In particular, he explained that “States of origin may engage in bilateral policies of circular migration, allowing individuals to get training abroad and thus facilitating the migratory process. Yet, States of origin should at no time force individuals to leave their country, but should strive to allow in situ adaptation as long as possible.”[[489]](#footnote-489)
4. With respect to States of destination, the Special Rapporteur provided that such States have the “obligation not to discriminate but to engage in specific policies to ensure the real equality of climate-change-induced migrants with other individuals within their jurisdiction.”[[490]](#footnote-490)
5. Crépeau noted that States should also undertake various steps to address regional migration. This includes that States should devise and implement regional migration policies and strategies to facilitate international climate-change-induced migration, such as through the development of regional migration agreements.[[491]](#footnote-491) All States concerned in the region should elaborate such policies and strategies, with the support and assistance of donor States, regional intergovernmental organizations, international organizations, international financial institutions, international NGOs and civil society organizations.[[492]](#footnote-492) Such policies and strategies should fully respect the applicable international and regional human rights frameworks, including “appropriate human rights guarantees for all migrants, the political participation of the vulnerable populations concerned in all decisions regarding their migration, as well as means of redress available to all migrants against human rights violations.”[[493]](#footnote-493)
6. The Special Rapporteur also emphasized the need for international cooperation in addressing the impacts on migration from climate change. In this regard, he observed that all States have the international responsibility to protect the human rights of foreign populations whose State is unable to do so and “respecting the basic human rights of climate-change-induced migrants should be considered as a basic tenet of international cooperation” as defined by the United Nations Charter.[[494]](#footnote-494) With respect to data collection, he recommended that:

Considering the difficulty of obtaining reliable data on climate change-induced migration, States, and especially States with economic means, should provide more support for research on climate-change-induced migration, including on the definition of such migration, and the production of reliable disaggregated statistical data, that would allow policymakers at all levels of governance to identify the populations most at risk of climate-change-induced displacement and develop strategies to alleviate their vulnerability.[[495]](#footnote-495)

# Cross-Cutting Issues

## Obligations Relating to Transboundary Environmental Harm other than Climate Change

1. **Food.** Special Rapporteur De Schutter stated that States are under an obligation to contribute to the realization of the right to food in other countries and to shape an international environment enabling national Governments to realize the right to food under their jurisdiction.[[496]](#footnote-496) He noted that:

International law imposes on all States an obligation to re-examine, with a view to its modification, any policy which has been proven to have a negative impact on the right to adequate food or on the right of every individual to be free from hunger and malnutrition. It does not matter whether such impact is documented within the State which has taken the measure, or whether the impact is seen outside the national territory of that State, as long as there exists a clear causality link between the policy in question and the enjoyment of the right to adequate food.[[497]](#footnote-497)

1. De Schutter applied these obligations to the production of agrofuels used as substitutes for fossil fuels.[[498]](#footnote-498) He set forth various obligations on States to prevent violations of the right to food from agrofuel production.[[499]](#footnote-499) For example, he stated:

Pending the adoption of an international consensus on this issue, any new large-scale investment into the production of agrofuels for transportation should be authorized by government authorities only when its detailed and multi-stakeholder assessment is positive in terms of its implications, both at the domestic and international levels, for the right to food, social conditions and issues related to land tenure, including the displacement of farmers and the indirect environmental impact this might cause in terms of land use.[[500]](#footnote-500)

1. Additionally, De Schutter referred to Article 56 of the Charter of the United Nations to propose that States must cooperate in the identification and elimination of the obstacles to the full realization of the right to food, and according to De Schutter , “it is clear at least from article 23 of the Covenant [on Economic, Social and Cultural Rights] that such an obligation is not limited to the provision of financial assistance.”[[501]](#footnote-501) The Special Rapporteur discusses this obligation in his report on Syria, stating that foreign states are required to assist Syria when its food sources were devastated by drought.[[502]](#footnote-502)
2. **Internally Displaced Persons.** Special Representative Walter Kälin recognised the nexus between poverty and natural disaster, “the negative impact of which will be reinforced as climate change is largely expected to affect those states the most that have least contributed to it.”[[503]](#footnote-503) He stated:

Developed countries have therefore a responsibility and, one may add, also considerable self-interest in investing resources and thought in assisting the least developed countries in their efforts to prepare for and respond to natural disasters and protect persons displaced or otherwise affected. Moreover, to the extent that those displaced as a result of environmental factors will increasingly cross international borders, there may also be a need to create additional internationally agreed protection regimes that close existing gaps.[[504]](#footnote-504)

Kälin concluded that “developed countries have a responsibility and also significant self-interest in providing resources and assisting the least developed countries in their preparation for and response to natural disasters and aid displaced people.”[[505]](#footnote-505)

1. **Toxic Wastes.** Special Rapporteur Fatma-Zohra Ksentini has recommended that countries of origin no longer produce for export chemicals that they have banned for their own markets and provide non-resident victims access to the same administrative and judicial remedies that residents would receive.[[506]](#footnote-506)
2. Special Rapporteur Ibeanu noted obligations related to the transboundary movement sound disposal of hazardous and other wastes rooted in international environmental law agreements and mechanisms, including the Basel Convention, the Waigani Convention, and the Bamako Convention.[[507]](#footnote-507)
3. **Water**. The Special Rapporteur on the human right to safe drinking water and sanitation cited the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights as underscoring “the obligation of States to avoid causing harm extraterritorially” and affirming “the obligation of States to protect human rights extraterritorially, i.e., to take necessary measures to ensure that non-State actors do not nullify or impair the enjoyment of economic, social and cultural rights. This translates into an obligation to avoid contamination of watercourses in other jurisdictions and to regulate non-State actors accordingly.”[[508]](#footnote-508)

## Obligations relating to Non-State Actors

1. **Business.**  The Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, recognized the adverse environmental impacts of business practices on human rights, particularly in his second addendum to his 2008 annual report to the Human Rights Council.[[509]](#footnote-509)
2. This addendum reviewed and summarized a sample of 320 cases of alleged corporate-related human rights abuses that were posted on the Business and Human Rights Resource Center webpage between February 2005 and December 2007.[[510]](#footnote-510) He reviewed these allegations for the rights they impacted, based on those rights found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Political Rights, and the International Labour Organization core covenants.[[511]](#footnote-511) Importantly, Ruggie explained that “[e]nvironmental harms were also noted as they were often connected to claims of negative impacts on human rights.”[[512]](#footnote-512)
3. Specifically, Ruggie stated that that “nearly a third of cases alleged environmental harms that had corresponding impacts on human rights.”[[513]](#footnote-513) As Ruggie explained:

Environmental concerns were raised in relation to all sectors. In these cases, various forms of pollution, contamination, and degradation translated into alleged impacts on a number of rights, including on the right to health, the right to life, rights to adequate food and housing, minority rights to culture, and the right to benefit from scientific progress. A number of environmental issues also prompted allegations that a firm had either impeded access to clean water or polluted a clean water supply, an issue raised in 20 per cent of cases. [[514]](#footnote-514)

1. Ruggie also noted direct cases of business caused environmental harm affecting communities. In this respect, he stated that a number of companies were cited as the top corporate air polluters, both in their regions of operation, and in some instances, the globe.[[515]](#footnote-515) Ruggie explained that:

This included companies from the following sectors: pharmaceutical and chemical; food and beverage; retail and consumer products; heavy manufacturing; infrastructure and utility; extractive; and agricultural (other). These cases were most frequently alleged to generate impacts on the community’s right to health. In addition, several firms in this grouping were alleged to have exceeded permitted production rates for carbon dioxide (CO2). Carbon pollution is cited as the primary cause of climate change, which has been argued to have numerous human rights implications, including impacts on the rights to life and health.[[516]](#footnote-516)

1. Ruggie also noted that companies were alleged to have released toxic chemicals into the environment, and that that this behavior had a direct impact on numerous human rights.[[517]](#footnote-517) In this respect, he noted:

This was alleged to poison local residents, grounds, and waters. The toxins were cited as the cause of cancers, reproductive diseases, and respiratory problems. In addition, the contamination of grounds and water supplies were alleged to kill both animals and aquatic life essential for sustenance in certain regions. These cases generated allegations of impact on the right to health, right to life, the right to food and the right to work, in cases where a farmer’s land was no longer cultivatable or locals suffered from toxin-related diseases that prevented them from working.[[518]](#footnote-518)

1. Ruggie also described how environmental harm has affected indigenous communities. For example, he noted one case where an:

extractive firm was alleged to fail to consult indigenous groups or gain informed consent before pursuing its projects, viewed to impact the right to self-determination in a number of regions. In one case, the company allegedly entered land despite protests of landowners, impacting the right to privacy. It was also alleged to contribute to the forced removal of indigenous peoples from their homes, the arrest of those who refused to leave, and the shooting of an individual during the demolition process, impacting the right to life, liberty, and security of the person and freedom from torture or cruel, inhuman or degrading treatment.[[519]](#footnote-519)

1. In addition, Ruggie cited an example of an extractive company not making any provisions for relocation and/or rehousing of indigenous communities, thereby affecting their right to adequate housing.[[520]](#footnote-520) He explained that taking land from indigenous communities affected their right to life as well as their right to culture, depleting their ability to live off fisheries and pastures.[[521]](#footnote-521) Furthermore, pollution of fisheries, a primary food source, and ignoring requests to protect fisheries was alleged to impact the right to adequate food and self-determination.[[522]](#footnote-522)
2. Ruggie also referred to cases alleging that environmental impact assessments (EIAs) and environmental and social impact assessments (ESIAs) were poorly carried out.[[523]](#footnote-523) For example, he noted various concerns surrounding EIAs, including allegations that “appropriate equipment was not used to carry out tests, that EIA results were not disclosed, that EIAs were not conducted in a timely manner, and that communities were not consulted and that informed consent (first requiring full information on environmental and other impacts) was not gained before commencing projects.”[[524]](#footnote-524)
3. Although Ruggie did not set forth obligations on non-state actors specific to environmental protection, he did develop the Guiding Principles on Business and Human Rights, which are principles of general application that can be applied to cases of environmental harm to human rights.[[525]](#footnote-525) These Principles sought to operationalize the “Protect, Respect and Remedy” Framework that the Special Representative had developed over the course of his mandate and which he based on extensive systematic research of international human rights law.[[526]](#footnote-526)
4. Professor Ruggie organized the Guiding Principles under the three pillars of his “Protect, Respect and Remedy” Framework.[[527]](#footnote-527) As he explained:

The first is the State duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication. The second is the corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved. The third is the need for greater access by victims to effective remedy, both judicial and non-judicial.[[528]](#footnote-528)

1. The Guiding Principles elaborate on the corporate responsibility to protect human rights. For example, the Principles provide that “[b]usiness enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”[[529]](#footnote-529) The Guiding Principles also provide that:

The responsibility to respect human rights requires that business enterprises:

(a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;

(b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.[[530]](#footnote-530)

1. A key element that the Guiding Principles set forth in order to operationalise the above principles is for non-State actors to undertake human rights due diligence. Principle 17 provides:

In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

(a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;

(b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;

(c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise’s operations and operating context evolve.[[531]](#footnote-531)

1. The Working Group on business and human rights has also discussed the corporate responsibility to respect as it relates to indigenous peoples.[[532]](#footnote-532) According to the Working Group, “Going forward, and in line with free, prior and informed consent, good faith consultation and participation is crucial, in particular in respect of business decisions that will have a substantial impact on the rights of indigenous peoples, including large ‘community footprint’ projects such as mining, agribusiness and infrastructure.”[[533]](#footnote-533) It stated that in practice, “businesses need to ensure that the State-led free, prior and informed consent process is adequate. In the absence of an adequate State-led process, a business enterprise needs to consider carefully whether it can proceed with the project without the risk of causing or contributing to adverse impacts on the right of indigenous peoples.”[[534]](#footnote-534)
2. Moreover, the Working Group noted that Guiding Principle 15 states that, in order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances.[[535]](#footnote-535) The Working Group stated that a key element of such a policy commitment “should be respect for the specific rights of indigenous peoples, in particular respect for collective rights to lands and resources in accordance with their own customary laws, traditions and practices.”[[536]](#footnote-536)
3. With respect to the responsibility to undertake due diligence of human rights impacts, the Working Group stated, “Given the specificities of adverse impacts on indigenous peoples, generic environmental, social and health impact assessments may not be sufficient to fully identify and address potential human rights risks.”[[537]](#footnote-537) Thus, “business enterprises should ensure that impact assessments are sufficiently robust to detect differentiated impacts on possibly vulnerable groups who may sustain greater adverse impacts from the same operation owing to political, economic or social marginalization within the indigenous community.”[[538]](#footnote-538)
4. The Working Group also discussed in detail non-State-based grievance mechanisms.[[539]](#footnote-539) Generally, it stated that “business enterprises should consider identifying adequate and culturally and gender-appropriate remedy mechanisms as an integral part of any contractual relationship with indigenous peoples.”[[540]](#footnote-540)
5. **Toxic Wastes.** Special Rapporteur Georgescu also referred to the Guiding Principles on Business and Human Rights.[[541]](#footnote-541) He noted that “corporations have the responsibility to respect human rights, including by identifying, preventing and mitigating adverse human rights impacts linked to their operations” and that both States and corporations “have a role to play in supporting access by victims to effective remedies, both judicial and non-judicial.”[[542]](#footnote-542)
6. Special Rapporteur Ibeanu gave examples of private companies that have taken action unilaterally against toxics in their products, demonstrating that the substitution of hazardous chemicals is possible.[[543]](#footnote-543) However, he cautioned that “[w]hile such voluntary initiatives are very welcome, they do not replace the primary duty of States to respect, protect and fulfil human rights as they are affected by the exposure of individuals and groups to hazardous chemicals.”[[544]](#footnote-544)
7. **Human** **Rights** **Defenders.**  According to Special Rapporteur Sekaggya, “Violations against these [land and environmental] defenders are carried out at the hands of State and non-State actors.”[[545]](#footnote-545) Non-State actors have included transnational companies, media, paramilitary groups, and private security guards.[[546]](#footnote-546)
8. Sekaggya also referred to the Guiding Principles on business and human rights outline responsibilities on non-State actors. She stated:

In this context, the Special Rapporteur notes that the Guiding Principles on Business and Human Rights require that companies identify and assess any actual or potential adverse human rights impacts through meaningful consultation with potentially affected groups, as an integral part of their responsibility to respect human rights. Such impact assessments should be carried out not only at the start of a new project or business relationship, but also periodically throughout the life cycle of the project, prior to any planned significant changes or if there is a significant shift in the operating context (for example, in the event of rising social tensions) (see Guiding Principle No. 18).[[547]](#footnote-547)

1. Sekaggya provided ten recommendations to non-State actors in her report on large-scale development projects and human rights defenders.[[548]](#footnote-548) For example, she recommended that private companies exert human rights due diligence in all operations; adopt a policy commitment to respect all human rights that is approved at the highest levels of the organization; fully involve stakeholders, especially affected communities and those defending their rights, in all stages of large-scale developments projects; and assess any security issues in close cooperation with human rights defenders and communities affected by large-scale development projects.[[549]](#footnote-549)

1. *Final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*, 18 July 2012, U.N. Doc. A/HRC/21/39, ¶ 79. [↑](#footnote-ref-1)
2. *Report of the Special Rapporteur on extreme poverty and human rights*, 9 August 2010, U.N. Doc. A/65/259, ¶ 37. [↑](#footnote-ref-2)
3. *Ibid*. [↑](#footnote-ref-3)
4. *Ibid*. ¶ 38. [↑](#footnote-ref-4)
5. *Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Report of the Special Rapporteur, Okechukwu Ibeanu*, 20 February 2006, U.N. Doc. E/CN.4/2006/42, ¶ 18. [↑](#footnote-ref-5)
6. *Ibid*. [↑](#footnote-ref-6)
7. *Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Calin Georgescu*, 4 July 2011, U.N. Doc. A/HRC/18/31, ¶ 23. [↑](#footnote-ref-7)
8. *Ibid*. ¶ 24. [↑](#footnote-ref-8)
9. *Ibid*. ¶ 21. [↑](#footnote-ref-9)
10. *Ibid*. [↑](#footnote-ref-10)
11. *Ibid*. [↑](#footnote-ref-11)
12. *Ibid*. ¶ 44. [↑](#footnote-ref-12)
13. *Ibid*. [↑](#footnote-ref-13)
14. *Ibid*. [↑](#footnote-ref-14)
15. *Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Report of the Special Rapporteur, Okechukwu Ibeanu*, 5 May 2007, U.N. Doc. A/HRC/5/5, ¶ 16. [↑](#footnote-ref-15)
16. *Ibid*. [↑](#footnote-ref-16)
17. *Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu*, 5 July 2010, U.N. Doc. A/HRC/15/22, ¶ 35. [↑](#footnote-ref-17)
18. *Ibid*. [↑](#footnote-ref-18)
19. *Ibid*. [↑](#footnote-ref-19)
20. *Report submitted by the Special Representative of the Secretary-General on human rights defenders, Hina Jilani*, 24 January 2007, U.N. Doc. A/HRC/4/37, ¶ 39. [↑](#footnote-ref-20)
21. *Ibid*. ¶ 40. [↑](#footnote-ref-21)
22. *Ibid*. ¶ 45. [↑](#footnote-ref-22)
23. *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, 21 December 2011, U.N. Doc. A/HRC/19/55, ¶ 66. [↑](#footnote-ref-23)
24. *Ibid*. [↑](#footnote-ref-24)
25. *Ibid*. ¶ 68. [↑](#footnote-ref-25)
26. *Ibid*. ¶ 71. [↑](#footnote-ref-26)
27. *Ibid*. [↑](#footnote-ref-27)
28. *Ibid*. ¶ 75. [↑](#footnote-ref-28)
29. *Ibid*. ¶ 76. [↑](#footnote-ref-29)
30. *Ibid*. ¶ 83. [↑](#footnote-ref-30)
31. *Ibid*. [↑](#footnote-ref-31)
32. *Ibid*. ¶ 90. [↑](#footnote-ref-32)
33. *Ibid*. ¶¶ 64, 69, 77, 84, 90. [↑](#footnote-ref-33)
34. *Report of the Special Rapporteur on the situation of human rights defenders*, 5 August 2013, U.N. Doc. A/68/262, ¶ 15. [↑](#footnote-ref-34)
35. *2011 Report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council*, note 23 *supra*, ¶ 77. [↑](#footnote-ref-35)
36. *Ibid*. [↑](#footnote-ref-36)
37. *Ibid*. ¶ 84. [↑](#footnote-ref-37)
38. *Ibid*. ¶ 90. [↑](#footnote-ref-38)
39. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Framework on Durable Solutions for Internally Displaced Persons*, 9 February 2010, U.N. Doc. A/HRC/13/21/Add. 4, ¶ 66. [↑](#footnote-ref-39)
40. *Report of the Special Rapporteur on internally displaced persons, Chaloka Beyani*, 30 January 2012, U.N. Doc. A/HRC/19/54/Add.1, ¶ 67. [↑](#footnote-ref-40)
41. *Protection of and assistance to internally displaced persons*, 9 August 2011, U.N. Doc. A/66/285, ¶ 66. [↑](#footnote-ref-41)
42. *Climate Change and the Human Rights to Water and Sanitation, Position Paper* (undated), available at the OHCHR web page of the Special Rapporteur, http://www.ohchr.org/Documents/Issues/Water/Climate\_Change\_Right\_Water\_Sanitation.pdf. [↑](#footnote-ref-42)
43. *Ibid*. p. 2. [↑](#footnote-ref-43)
44. *Ibid*. p. 16. [↑](#footnote-ref-44)
45. *Ibid.* p. 18. [↑](#footnote-ref-45)
46. *Ibid*. [↑](#footnote-ref-46)
47. *Ibid*. pp. 20-21. [↑](#footnote-ref-47)
48. *Ibid*. p. 21. [↑](#footnote-ref-48)
49. *Ibid*. pp. 20-21. [↑](#footnote-ref-49)
50. *See generally Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, 6 August 2009, U.N. Doc. A/64/25. [↑](#footnote-ref-50)
51. *Ibid*. ¶¶ 13, 30-32. [↑](#footnote-ref-51)
52. *Ibid.* ¶ 65. [↑](#footnote-ref-52)
53. *Ibid.* ¶ 16. [↑](#footnote-ref-53)
54. *Ibid*. [↑](#footnote-ref-54)
55. *Ibid*. ¶¶ 18, 67. [↑](#footnote-ref-55)
56. *Ibid*. ¶¶ 20, 67. [↑](#footnote-ref-56)
57. *Ibid*. ¶ 15. [↑](#footnote-ref-57)
58. *Ibid*. ¶ 59. [↑](#footnote-ref-58)
59. *Ibid*. [↑](#footnote-ref-59)
60. *Ibid*. ¶ 21. [↑](#footnote-ref-60)
61. *Ibid*. [↑](#footnote-ref-61)
62. *Ibid*. [↑](#footnote-ref-62)
63. *Ibid* [↑](#footnote-ref-63)
64. *Ibid*. ¶ 15. [↑](#footnote-ref-64)
65. *Ibid*. ¶ 27. [↑](#footnote-ref-65)
66. *Ibid*. ¶¶ 9, 15, 25. [↑](#footnote-ref-66)
67. *Ibid.* ¶ 14. [↑](#footnote-ref-67)
68. *Ibid*. [↑](#footnote-ref-68)
69. *Ibid*. ¶ 22. [↑](#footnote-ref-69)
70. *Report on the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, 9 August 2010, U.N. Doc. A/65/261, ¶ 7. [↑](#footnote-ref-70)
71. *Ibid*.; *see also* *2009* *Report of the Special Rapporteur on adequate housing to the General Assembly*, note 50 *supra,* ¶¶ 23-28. [↑](#footnote-ref-71)
72. *2009* *Report of the Special Rapporteur on adequate housing to the General Assembly*,note 50 *supra, ¶* 28. [↑](#footnote-ref-72)
73. *Ibid*. ¶ 29. [↑](#footnote-ref-73)
74. *Ibid*. [↑](#footnote-ref-74)
75. *Ibid*.¶ 26. [↑](#footnote-ref-75)
76. *Ibid*. ¶ 33. [↑](#footnote-ref-76)
77. *Ibid*. ¶ 27. [↑](#footnote-ref-77)
78. *Addendum to the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, Mission to Maldives*, 11 January 2010, U.N. Doc. A/HRC/13/20/Add.3, ¶ 12; *2009 Report of the Special Rapporteur on adequate housing to the General Assembly*, note50 *supra,* ¶¶ 30-32. [↑](#footnote-ref-78)
79. *Report of the Special Rapporteur on adequate housing, Mission to the Maldives,* note 78 *supra,* ¶ 14. [↑](#footnote-ref-79)
80. *2009 Report of the Special Rapporteur on adequate housing to the General Assembly*, note 50 *supra,* ¶ 33 (internal citation omitted). [↑](#footnote-ref-80)
81. *2011 Report of the Special Rapporteur on toxic waste,* note 7 *supra*,¶ 32. [↑](#footnote-ref-81)
82. *Ibid*. [↑](#footnote-ref-82)
83. *Ibid*. ¶ 54. [↑](#footnote-ref-83)
84. *Ibid*. [↑](#footnote-ref-84)
85. *Ibid*. [↑](#footnote-ref-85)
86. *Ibid. ¶* 56. [↑](#footnote-ref-86)
87. *Ibid*. [↑](#footnote-ref-87)
88. *Ibid*. ¶ 57. [↑](#footnote-ref-88)
89. *Ibid*. [↑](#footnote-ref-89)
90. *Report of the Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, Calin Georgescu*, 2 July 2012, U.N. Doc. A/HRC/21/48, ¶ 39. [↑](#footnote-ref-90)
91. *Ibid*. ¶ 15. [↑](#footnote-ref-91)
92. *Ibid*. [↑](#footnote-ref-92)
93. *Ibid*. ¶ 17. [↑](#footnote-ref-93)
94. *Ibid*. [↑](#footnote-ref-94)
95. *Ibid*. [↑](#footnote-ref-95)
96. *Ibid*. [↑](#footnote-ref-96)
97. *Ibid*. ¶ 14. [↑](#footnote-ref-97)
98. *Ibid*. [↑](#footnote-ref-98)
99. *2007 Report of the Special Rapporteur on toxic wastes*, note 15 *supra*, ¶ 34. [↑](#footnote-ref-99)
100. *Ibid*. [↑](#footnote-ref-100)
101. *Ibid*. [↑](#footnote-ref-101)
102. *Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights Report by Ms. Fatma-Zohra Ouhachi-Vesely, Special Rapporteur on toxic wastes, submitted pursuant to Commission resolution 2001/35*, 21 January 2001, U.N. Doc. E/CN.4/2002/61, ¶ 41 [↑](#footnote-ref-102)
103. *Ibid.* [↑](#footnote-ref-103)
104. *See* *Report of the Special Rapporteur on the right to food, Jean Ziegler*, 10 January 2008, U.N. Doc. A/HRC/7/5, ¶¶ 50-52. [↑](#footnote-ref-104)
105. *Ibid*. ¶ 50. [↑](#footnote-ref-105)
106. *Ibid*. [↑](#footnote-ref-106)
107. *Ibid*. ¶ 51. [↑](#footnote-ref-107)
108. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*, 28 December 2009, U.N. Doc. A/HRC/13/33/Add.2, ¶ 7. [↑](#footnote-ref-108)
109. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Mission to Cameroon*, 18 December 2012, U.N. Doc. A/HRC/22/50/Add.2, ¶ 55. [↑](#footnote-ref-109)
110. *Ibid*. ¶ 54. [↑](#footnote-ref-110)
111. *Ibid*. [↑](#footnote-ref-111)
112. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Mission to China*, 20 January 2012, U.N. Doc. A/HRC/19/59/Add.1, ¶ 24. [↑](#footnote-ref-112)
113. Ibid. [↑](#footnote-ref-113)
114. Ibid. [↑](#footnote-ref-114)
115. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Mission to Canada*, 24 December 2012, U.N. Doc. A/HRC/22/50/Add., ¶ 19. [↑](#footnote-ref-115)
116. *Report of the Special Rapporteur on the right to food on large-scale land acquisitions and leases*, note 108 *supra, ¶* 12. [↑](#footnote-ref-116)
117. *See* *Interim report of the Special Rapporteur on the right to food*, 8 August 2012, U.N. Doc. A/67/268. [↑](#footnote-ref-117)
118. *Ibid*. ¶ 9. [↑](#footnote-ref-118)
119. Ibid. ¶¶ 17, 19. [↑](#footnote-ref-119)
120. *Ibid*. ¶ 10. [↑](#footnote-ref-120)
121. *Report of the Special Rapporteur on the right to food, Mission to China*, note 112 *supra*, ¶ 24. [↑](#footnote-ref-121)
122. *Ibid*. [↑](#footnote-ref-122)
123. *Interim report of the Special Rapporteur on the right to food, Olivier De Schutter*, 4 August 2011, U.N. Doc. A/66/262, ¶ 16. [↑](#footnote-ref-123)
124. *Ibid*. ¶ 14. [↑](#footnote-ref-124)
125. *Ibid*. ¶ 14 (internal citations omitted). [↑](#footnote-ref-125)
126. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Building resilience: a human rights framework for world food and nutrition security*, 8 September 2008, U.N. Doc. A/HRC/9/23, Annex II, ¶ 7. [↑](#footnote-ref-126)
127. *Ibid*. [↑](#footnote-ref-127)
128. *Ibid*. Annex II, ¶ 3. [↑](#footnote-ref-128)
129. *Ibid*. [↑](#footnote-ref-129)
130. 2008 *Report of the Special Rapporteur on the right to food to the Human Rights Council*, note 104 *supra,* ¶ 53. [↑](#footnote-ref-130)
131. *Ibid*. ¶ 56. [↑](#footnote-ref-131)
132. *Ibid*. ¶ 57. [↑](#footnote-ref-132)
133. *Ibid*. [↑](#footnote-ref-133)
134. *Ibid*. ¶ 58. [↑](#footnote-ref-134)
135. *Report of the Special Rapporteur on the right to food, Mission to Canada*, note 115 supra, ¶ 64. [↑](#footnote-ref-135)
136. *Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter*, 20 December 2010, U.N. Doc. A/HRC/16/49, ¶ 9. [↑](#footnote-ref-136)
137. *Ibid*. [↑](#footnote-ref-137)
138. *Ibid*. [↑](#footnote-ref-138)
139. *Ibid*. [↑](#footnote-ref-139)
140. *Ibid*.; *see also Report of the Special Rapporteur on the right to food on large-scale land acquisitions and leases*, note 108 *supra, ¶* 21 (“Assuming a 4.4° C increase in temperature and a 2.9 per cent increase in precipitation, it has been estimated that by 2080, global agricultural output potential is likely to decrease by about 6 per cent (or 16 per cent without carbon fertilization, the impacts of which are disputed). The decline will vary between 10 and 25 per cent across regions, but it is projected that by 2080, agricultural output potential may be reduced by up to 60 per cent for several African countries, and on average 16 to 27 per cent for others in Africa, dependent upon the effect of carbon fertilization” (internal citation omitted)). [↑](#footnote-ref-140)
141. *2010 Report submitted by the Special Rapporteur on the right to food to the Human Rights Council,* note 136 *supra, ¶ 9.* [↑](#footnote-ref-141)
142. *Report of the Special Rapporteur on the right to food, Building resilience: a human rights framework for world food and nutrition security*, note 126 *supra*, ¶ 11. [↑](#footnote-ref-142)
143. *Interim report of the Special Rapporteur on the right to food*, August 2012, U.N. Doc. A/67/268, ¶ 16. [↑](#footnote-ref-143)
144. *Ibid*. [↑](#footnote-ref-144)
145. *Ibid*. [↑](#footnote-ref-145)
146. *Ibid*. [↑](#footnote-ref-146)
147. *Report of the Special Rapporteur on the right to food, Mission to Cameroon*, note 109 *supra*, ¶ 54. [↑](#footnote-ref-147)
148. *Report of the Special Rapporteur on the right to food, Mission to Canada*, note 115 *supra*, ¶ 64. [↑](#footnote-ref-148)
149. *Special Rapporteur on the right to food, Mission to China*, note 112 *supra,* ¶ 24. [↑](#footnote-ref-149)
150. *Ibid*. [↑](#footnote-ref-150)
151. *See* *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum, Mission to the Syrian Arab Republic*, 27 January 2011, U.N. Doc. A/HRC/16/49/Add.2, ¶ 21 [↑](#footnote-ref-151)
152. *Ibid*. [↑](#footnote-ref-152)
153. *Ibid*. ¶ 11. [↑](#footnote-ref-153)
154. *Ibid*. ¶ 12. [↑](#footnote-ref-154)
155. *Ibid*. ¶ 13. [↑](#footnote-ref-155)
156. *Report of the Special Rapporteur on minority issues, Gay McDougall*, 12 August 2010, U.N. Doc. A/65/287, ¶ 61. [↑](#footnote-ref-156)
157. *Ibid.* [↑](#footnote-ref-157)
158. *Ibid*. ¶ 62. [↑](#footnote-ref-158)
159. *Ibid*. ¶ 69. [↑](#footnote-ref-159)
160. *2011 Report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council*, note 23 supra, ¶ 69. [↑](#footnote-ref-160)
161. *Ibid*. ¶¶ 77-8. [↑](#footnote-ref-161)
162. *The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Report of the Special Rapporteur, Paul Hunt, submitted in accordance with Commission resolution 2002*, 13 February 2003, U.N. Doc. E/CN.4/2003/58, ¶ 23. [↑](#footnote-ref-162)
163. *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover*, 10 April 2012, U.N. Doc. A/HRC/20/15, ¶ 4. [↑](#footnote-ref-163)
164. *Ibid*. ¶ 38. [↑](#footnote-ref-164)
165. *Ibid*. [↑](#footnote-ref-165)
166. *See* *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt*, 31 January 2008, U.N. Doc. A/HRC/7/11, ¶ 68(a). [↑](#footnote-ref-166)
167. *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, 8 August 2007, U.N. Doc. A/62/214, ¶ 100. [↑](#footnote-ref-167)
168. *Ibid*. [↑](#footnote-ref-168)
169. *Ibid*. ¶ 101. [↑](#footnote-ref-169)
170. *Ibid*. ¶ 102. [↑](#footnote-ref-170)
171. *Human Rights Situation in Palestine and other Occupied Arab Territories*, *Combined report, under resolution S-9/1, of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education, and the Independent Expert on the question of human rights and extreme poverty*, 29 May 2009, U.N. Doc. A/HRC/10/22, ¶ 54. [↑](#footnote-ref-171)
172. *Ibid*. ¶ 57. [↑](#footnote-ref-172)
173. *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, Addendum, Mission to Mongolia*, 30 May 2013, U.N. Doc. A/HRC/23/36/Add. 2, ¶ 84. [↑](#footnote-ref-173)
174. *Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Report submitted by Ms. Fatma-Zohra Ouhachi-Vesely, Special Rapporteur, in accordance with Commission resolution 2003/20*, 15 December 2003, E/CN.4/2004/46, ¶ 79. [↑](#footnote-ref-174)
175. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶ 21. [↑](#footnote-ref-175)
176. *Ibid*. ¶ 26. [↑](#footnote-ref-176)
177. *Ibid*. ¶ 22. [↑](#footnote-ref-177)
178. *Ibid*. ¶ 21. [↑](#footnote-ref-178)
179. *Ibid*. ¶ 25. [↑](#footnote-ref-179)
180. *Ibid*. [↑](#footnote-ref-180)
181. *Ibid*. [↑](#footnote-ref-181)
182. *Ibid.* ¶¶ 28, 31. [↑](#footnote-ref-182)
183. *Ibid*. ¶ 28. [↑](#footnote-ref-183)
184. *Ibid*. [↑](#footnote-ref-184)
185. *2003 Report of the Special Rapporteur on toxic wastes, Ms. Fatma-Zohra Ouhachi-Vesely*, note 174 *supra*, ¶ 31. [↑](#footnote-ref-185)
186. *Ibid*. [↑](#footnote-ref-186)
187. *2006* *Report of the Special Rapporteur on toxic wastes*, note 5 *supra*, ¶ 9. [↑](#footnote-ref-187)
188. *Ibid*. [↑](#footnote-ref-188)
189. *See* *2007 Report of the Special Rapporteur on toxic wastes,* note 15 *supra*, ¶¶ 12-13. [↑](#footnote-ref-189)
190. *Ibid*. [↑](#footnote-ref-190)
191. *2007 Report of the Special Rapporteur on toxic waste to the Human Rights Council*, note 15 *supra*, ¶ 17. Ibeanu also discussed harm to human health from other substances during armed conflict, such as depleted uranium, weapon grade herbicides, and war debris. *Ibid*. ¶¶ 18-21. [↑](#footnote-ref-191)
192. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶ 29. [↑](#footnote-ref-192)
193. *Ibid*. ¶ 28. [↑](#footnote-ref-193)
194. *2011 Report of the Special Rapporteur on toxic wastes*, note 7 *supra*, ¶¶ 19, 27. [↑](#footnote-ref-194)
195. *Ibid*. ¶ 52. [↑](#footnote-ref-195)
196. *2010 Report of the Special Rapporteur on toxic wastes*,note 17 *supra,* ¶ 43. [↑](#footnote-ref-196)
197. *Ibid*. [↑](#footnote-ref-197)
198. *Ibid*. [↑](#footnote-ref-198)
199. *Ibid*. ¶ 35. [↑](#footnote-ref-199)
200. *Ibid*. ¶ 25. [↑](#footnote-ref-200)
201. *Ibid*. [↑](#footnote-ref-201)
202. *Ibid*. [↑](#footnote-ref-202)
203. *2003 Report of the Special Rapporteur on toxic wastes, Ms. Fatma-Zohra Ouhachi-Vesely*, note 174 *supra*, ¶ 38. [↑](#footnote-ref-203)
204. *2011 Report of the Special Rapporteur on toxic wastes*, note 7 *supra*, ¶ 46. [↑](#footnote-ref-204)
205. *Ibid*. [↑](#footnote-ref-205)
206. *Ibid*. ¶ 48. [↑](#footnote-ref-206)
207. *Ibid*. ¶ 49. [↑](#footnote-ref-207)
208. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶ 37. [↑](#footnote-ref-208)
209. *2003 Report of the Special Rapporteur on toxic wastes, Ms. Fatma-Zohra Ouhachi-Vesely*, note 174 *supra*, ¶ 38. [↑](#footnote-ref-209)
210. *Ibid*. [↑](#footnote-ref-210)
211. *Ibid*. [↑](#footnote-ref-211)
212. *2007* *Repot of the Special Rapporteur on toxic wastes,* note 15 *supra*, ¶ 36. [↑](#footnote-ref-212)
213. *Ibid.* [↑](#footnote-ref-213)
214. *Right to education in emergency situations, Report of the Special Rapporteur on the right to education*, *Vernor Muñoz*, 20 May 2008, U.N. Doc. A/HRC/8/10, ¶ 5. [↑](#footnote-ref-214)
215. *Ibid*. ¶ 7. [↑](#footnote-ref-215)
216. *Ibid*. ¶ 12. [↑](#footnote-ref-216)
217. *Ibid*. ¶ 18. For example, “[i]n 2004, only approximately 1.5 per cent of the total humanitarian commitments were intended for educational programmes.” *Ibid*. ¶ 70. [↑](#footnote-ref-217)
218. *Ibid*. ¶ 26. For example, “[i]n 1998 hundreds of schools in Central America were damaged by Hurricane Mitch and many others were turned into shelters. In Aceh, Indonesia, 1,000 teachers were lost after the tsunami in 2004, and 50 per cent of schools were destroyed, leaving 140,000 elementary students and 20,000 junior high school students with nowhere to study. The tsunami destroyed 112 schools in Sri Lanka.” *Ibid*. ¶ 27. [↑](#footnote-ref-218)
219. *Report of the Special Rapporteur on the human rights of migrants* *to the General Assembly*, 13 August 2012, U.N. Doc. A/67/299, ¶ 17. [↑](#footnote-ref-219)
220. *Ibid*. ¶ 20. [↑](#footnote-ref-220)
221. *Ibid*. [↑](#footnote-ref-221)
222. *Ibid*. ¶ 32. [↑](#footnote-ref-222)
223. *Ibid*. ¶ 33. [↑](#footnote-ref-223)
224. *Ibid*. [↑](#footnote-ref-224)
225. *Interim report of the Special Rapporteur on the right to education, Kishore Singh*, 5 August 2011, U.N. Doc. A/66/269, ¶ 100. [↑](#footnote-ref-225)
226. *Ibid*. [↑](#footnote-ref-226)
227. *Ibid*. [↑](#footnote-ref-227)
228. *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*, 11 March 2013, U.N. Doc. A/HRC/23/36, ¶ 86(d). [↑](#footnote-ref-228)
229. *Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu*, 18 February 2008, U.N. Doc. A/HRC/7/21, ¶ 38. [↑](#footnote-ref-229)
230. *Ibid*. [↑](#footnote-ref-230)
231. *Ibid.* [↑](#footnote-ref-231)
232. *Ibid*. ¶ 37. [↑](#footnote-ref-232)
233. *2003 Report of the Special Rapporteur on toxic wastes, Ms. Fatma-Zohra Ouhachi-Vesely*, note 174 *supra*, ¶ 85 [↑](#footnote-ref-233)
234. *2012* *Report of the Special Rapporteur on toxic wastes,* note 90 *supra*, ¶ 23. [↑](#footnote-ref-234)
235. *2011* *Report of the Special Rapporteur on toxic wastes,* note 7 *supra*, ¶ 45. [↑](#footnote-ref-235)
236. *See 2007* *Report of the Special on toxic wastes,* note 15 *supra*, ¶ 38. [↑](#footnote-ref-236)
237. *Ibid*. [↑](#footnote-ref-237)
238. *February 2008 Report of the Special Rapporteur on toxic wastes,* note 229 *supra*, ¶ 63. [↑](#footnote-ref-238)
239. *Ibid*. ¶ 64. [↑](#footnote-ref-239)
240. *Ibid*. [↑](#footnote-ref-240)
241. *2013 Report of the Special Rapporteur on the situation of human rights defenders to General Assembly, note 34 supra, ¶ 62*. [↑](#footnote-ref-241)
242. *Ibid*. [↑](#footnote-ref-242)
243. *Ibid*. ¶ 61; *see* *also* *Report of the Special Rapporteur on the situation of human rights defenders*, 10 August 2012, U.N. Doc. A/67/292, ¶¶ 51-55. [↑](#footnote-ref-243)
244. *2013 Report of the Special Rapporteur on the situation of human rights defenders to General Assembly*, note 34 *supra,* ¶ 62. [↑](#footnote-ref-244)
245. *Ibid*. ¶ 65. [↑](#footnote-ref-245)
246. *2007 Report of the Special Rapporteur on the right to health to the General Assembly*, note 167 *supra*, ¶ 25. [↑](#footnote-ref-246)
247. *Ibid*. ¶ 85. [↑](#footnote-ref-247)
248. *Interim report of the Special Rapporteur on the right to education*, 5 August 2011, U.N. Doc. A/66/269, ¶ 97. [↑](#footnote-ref-248)
249. *Right to education in emergency situations, Report of the Special Rapporteur on the right to education,* note 214 *supra*, ¶ 146. [↑](#footnote-ref-249)
250. *2013* *Report of the Special Rapporteur on extreme poverty and human rights*, note 228 *supra*, ¶ 80. [↑](#footnote-ref-250)
251. *Ibid*. ¶ 84. [↑](#footnote-ref-251)
252. *Ibid*. ¶ 86. [↑](#footnote-ref-252)
253. *Ibid*. ¶ 31. [↑](#footnote-ref-253)
254. *February 2008 Report of the Special Rapporteur on toxic wastes*, note 229 *supra, ¶* 44, 51. [↑](#footnote-ref-254)
255. *Ibid*. ¶ 66. [↑](#footnote-ref-255)
256. *2013 Report of the Special Rapporteur on the situation of human rights defenders to the General Assembly*, note 34 *supra*, ¶ 45. [↑](#footnote-ref-256)
257. *Ibid*. ¶ 23. [↑](#footnote-ref-257)
258. *Ibid.* [↑](#footnote-ref-258)
259. *Ibid*. ¶ 46. [↑](#footnote-ref-259)
260. *Ibid*. ¶ 39. [↑](#footnote-ref-260)
261. *Ibid*. ¶ 46. [↑](#footnote-ref-261)
262. *Ibid*. [↑](#footnote-ref-262)
263. *Ibid*. ¶ 50. [↑](#footnote-ref-263)
264. *Ibid*. [↑](#footnote-ref-264)
265. *Ibid*. ¶ 58. [↑](#footnote-ref-265)
266. *Ibid*. ¶ 59. [↑](#footnote-ref-266)
267. *Ibid*. [↑](#footnote-ref-267)
268. *February 2006 Report of the Special Rapporteur on toxic wastes to the Commission on Human Rights*, note 5 *supra*, ¶ 43, citing to article 2, paragraph 3 (a) of the ICCPR, which guarantees victims of human rights violations an “effective remedy.” [↑](#footnote-ref-268)
269. *Ibid.*¶ 45. [↑](#footnote-ref-269)
270. *Ibid*. ¶ 43. [↑](#footnote-ref-270)
271. *Ibid*. [↑](#footnote-ref-271)
272. *Ibid*. ¶ 76. [↑](#footnote-ref-272)
273. *Ibid*. ¶ 46. [↑](#footnote-ref-273)
274. *Ibid*. [↑](#footnote-ref-274)
275. *Ibid*. ¶ 47. [↑](#footnote-ref-275)
276. *Ibid*. [↑](#footnote-ref-276)
277. 2013 *Report of the Special Rapporteur on human rights defenders to the General Assembly*, note 34 *supra*, ¶ 70. [↑](#footnote-ref-277)
278. *Ibid*. ¶ 71. [↑](#footnote-ref-278)
279. *Ibid*. [↑](#footnote-ref-279)
280. *Ibid*. ¶ 73. [↑](#footnote-ref-280)
281. *2011 Report of the Special Rapporteur on human rights defenders to the Human Rights Council*, note 23 supra, ¶ 125. [↑](#footnote-ref-281)
282. *Ibid*. [↑](#footnote-ref-282)
283. *Ibid*. ¶ 126. [↑](#footnote-ref-283)
284. *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, 5 August 2013, U.N. Doc. A/68/264*, ¶ 75. [↑](#footnote-ref-284)
285. *Ibid*. [↑](#footnote-ref-285)
286. *Ibid*. [↑](#footnote-ref-286)
287. *See generally Ibid*. ¶ 77. [↑](#footnote-ref-287)
288. *Ibid*. *citing* Yamile Najle, “Human rights to water and sanitation in courts”. Prepared for consultation with civil society organizations on good practices, Geneva, September 2010. [↑](#footnote-ref-288)
289. *Ibid*. *citing* *María de Jesús Medina Pérez and others v. Alvaro Vásquez*, Seventh Chamber of Review of the Constitutional Court, Case No. T-34561, 22 November 1994. [↑](#footnote-ref-289)
290. *Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque*, 29 June 2010, U.N. Doc. A/HRC/15/31, ¶ 45. [↑](#footnote-ref-290)
291. *2013 Report of the Special Rapporteur on water and sanitation to the General Assembly*, note 284 *supra*, ¶ 73. [↑](#footnote-ref-291)
292. *Ibid*. [↑](#footnote-ref-292)
293. *Ibid*. ¶ 74. [↑](#footnote-ref-293)
294. *2013 Report of the Special Rapporteur on the situation of human rights defenders to General Assembly*, note 34 *supra,* ¶ 40. [↑](#footnote-ref-294)
295. *Ibid*. ¶ 43. [↑](#footnote-ref-295)
296. *Ibid*. [↑](#footnote-ref-296)
297. *2011 Report of the Special Rapporteur on human rights defenders to the Human Rights Council*, note 23 *supra*, ¶ 124. [↑](#footnote-ref-297)
298. *Ibid*. ¶ 125. [↑](#footnote-ref-298)
299. *Ibid*. ¶ 126. [↑](#footnote-ref-299)
300. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶ 47. [↑](#footnote-ref-300)
301. *Ibid*. [↑](#footnote-ref-301)
302. *Ibid*. [↑](#footnote-ref-302)
303. *2007 Report of the Special Rapporteur on the right to health to the General Assembly,* note 167 *supra*, ¶ 82. [↑](#footnote-ref-303)
304. *Ibid*. [↑](#footnote-ref-304)
305. *2012 Report of the Special Rapporteur on the right to health to the Human Rights Council*, note 163 *supra*, ¶ 60(g). [↑](#footnote-ref-305)
306. *2007 Report of the Special Rapporteur on toxic wastes,* note 15 *supra*, ¶ 32. [↑](#footnote-ref-306)
307. *Ibid*. [↑](#footnote-ref-307)
308. *Ibid*. [↑](#footnote-ref-308)
309. *Ibid*. [↑](#footnote-ref-309)
310. *Ibid*. ¶ 30. [↑](#footnote-ref-310)
311. *Ibid*. [↑](#footnote-ref-311)
312. *February 2006* *Report of the Special Rapporteur on toxic wastes to the Commission on Human Rights*, note 5 *supra*, ¶ 36. [↑](#footnote-ref-312)
313. *Ibid*. ¶ 36. [↑](#footnote-ref-313)
314. *Ibid*. ¶ 45. [↑](#footnote-ref-314)
315. *Ibid*. ¶ 36. [↑](#footnote-ref-315)
316. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶¶ 39-40. [↑](#footnote-ref-316)
317. *Ibid*. ¶ 39. [↑](#footnote-ref-317)
318. *Ibid*. [↑](#footnote-ref-318)
319. *Ibid*. [↑](#footnote-ref-319)
320. *2008 Report on the right to education in emergency situations*, note 214 *supra*, ¶ 144 “As parties to human rights treaties, States have an obligation to respect, protect and fulfill the right to education, whether or not an emergency situation prevails.” *Ibid*. ¶ 37. [↑](#footnote-ref-320)
321. *Ibid*. ¶ 146. [↑](#footnote-ref-321)
322. *Ibid*. [↑](#footnote-ref-322)
323. *Ibid*. [↑](#footnote-ref-323)
324. *2011 Interim report of the Special Rapporteur on the right to education to the General Assembly*, note 225 *supra*, ¶ 95 (“Explicit policy commitments must be made to ensure adequate and sustainable domestic and international support for education in situations of emergency, as well as in situations of fragility and protracted crisis. Such commitments must follow through to the final stages of recovery, including in development frameworks. Recipient countries must comply with human rights while seeking and managing international assistance.”). [↑](#footnote-ref-324)
325. *Ibid*. ¶ 77. [↑](#footnote-ref-325)
326. *Ibid*. [↑](#footnote-ref-326)
327. *Ibid*. ¶ 97. [↑](#footnote-ref-327)
328. *Report of the Special Rapporteur on the right to food*, 21 October 2008, U.N. Doc. A/63/278, ¶ 36. [↑](#footnote-ref-328)
329. 2011 *Report of the Special Rapporteur on the right to food to the General Assembly,* note 123 *supra*, ¶14 (internal citation omitted). [↑](#footnote-ref-329)
330. *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque*, 11 July 2013, U.N. Doc. A/HRC/24/44, ¶ 21. [↑](#footnote-ref-330)
331. *Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, Addendum, Progress report on the compilation of good practices*, 1 July 2010, A/HRC/15/31/Add.1, ¶ 66. [↑](#footnote-ref-331)
332. *Ibid*. [↑](#footnote-ref-332)
333. *2013* *Report of the Special Rapporteur on the human right to safe drinking water and sanitation to the General Assembly*, note 284 *supra*, ¶ 17. [↑](#footnote-ref-333)
334. *Ibid*. ¶ 17. [↑](#footnote-ref-334)
335. *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque*, 4 July 2011, U.N. Doc. A/HRC/18/33, ¶ 15. [↑](#footnote-ref-335)
336. *Ibid*. [↑](#footnote-ref-336)
337. *Ibid*. [↑](#footnote-ref-337)
338. *2013 Report of the Special Rapporteur on water and sanitation to the General Assembly*, note 284 *supra*, ¶ 48. [↑](#footnote-ref-338)
339. *Ibid*. ¶ 49. [↑](#footnote-ref-339)
340. *Ibid*. [↑](#footnote-ref-340)
341. *Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, Addendum, Progress report on the compilation of good practices*, note 331 *supra*, ¶ 66. [↑](#footnote-ref-341)
342. *Ibid*. [↑](#footnote-ref-342)
343. *2013 Report of the Special Rapporteur on human rights defenders to the General Assembly*, note 34 *supra*, ¶ 39. [↑](#footnote-ref-343)
344. *Ibid*. (emphasis added). [↑](#footnote-ref-344)
345. *Ibid*. ¶ 41. [↑](#footnote-ref-345)
346. *Report of the Special Rapporteur on the right to food*, 11 August 2010, U.N. Doc. A/65/281*,* ¶ 2. [↑](#footnote-ref-346)
347. *Ibid*. ¶ 3. [↑](#footnote-ref-347)
348. *Ibid*. ¶ 11. [↑](#footnote-ref-348)
349. *Report of the Special Rapporteur on the right to food on Large-scale land acquisitions and leases*, note 108 supra, ¶ 27. [↑](#footnote-ref-349)
350. *2010 Report of the Special Rapporteur on the right to food to the General Assembly*, note 346 *supra,* ¶ 12. [↑](#footnote-ref-350)
351. *Ibid*. ¶ 13. [↑](#footnote-ref-351)
352. *Ibid*. ¶ 11. [↑](#footnote-ref-352)
353. *Report of the Special Rapporteur on the right to food on Large-scale land acquisitions and leases*, note 108 supra, ¶ 28. [↑](#footnote-ref-353)
354. *Ibid*. [↑](#footnote-ref-354)
355. *2010 Report of the Special Rapporteur on the right to food to the General Assembly*, note 346 *supra,* ¶ 12. [↑](#footnote-ref-355)
356. *Ibid*. citing Inter-American Court of Human Rights, *Sawhoyamaxa Indigenous Community v. Paraguay* (judgement of 29 March 2006), ¶ 128; African Commission on Human and Peoples’ Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya* (Communication No. 276/2003, 2009), ¶ 209; Inter-American Court of Human Rights, *Mayagna (Sumo) Indigenous Community of Awas Tingni*v *Nicaragua* (judgement of 31 August 2001), ¶¶ 151 and 164. [↑](#footnote-ref-356)
357. *Report of the Special Rapporteur on the right to food, Mission to Canada*, note 115 *supra*, ¶ 62. [↑](#footnote-ref-357)
358. *Ibid*. [↑](#footnote-ref-358)
359. *Ibid*. [↑](#footnote-ref-359)
360. *Report of the Special Rapporteur on the right to food, Mission to Cameroon*, note 109 *supra*, ¶ 18. [↑](#footnote-ref-360)
361. *Ibid.* [↑](#footnote-ref-361)
362. *Ibid*. ¶ 19. [↑](#footnote-ref-362)
363. *Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*, 7 August 2013, U.N. Doc. A/68/279, ¶ 5. [↑](#footnote-ref-363)
364. *Ibid*. ¶ 6. [↑](#footnote-ref-364)
365. *Ibid*. [↑](#footnote-ref-365)
366. *Ibid*. ¶ 8. [↑](#footnote-ref-366)
367. *Ibid. ¶* 9. [↑](#footnote-ref-367)
368. *Ibid*. [↑](#footnote-ref-368)
369. *Ibid*. ¶ 10. [↑](#footnote-ref-369)
370. *Ibid*. ¶ 11. [↑](#footnote-ref-370)
371. *Ibid*. [↑](#footnote-ref-371)
372. *Ibid*. [↑](#footnote-ref-372)
373. *Ibid*. ¶ 13. [↑](#footnote-ref-373)
374. *Ibid*. ¶ 14. [↑](#footnote-ref-374)
375. *Ibid*. [↑](#footnote-ref-375)
376. *Ibid*. [↑](#footnote-ref-376)
377. *Ibid*. [↑](#footnote-ref-377)
378. *Ibid*. ¶ 15. [↑](#footnote-ref-378)
379. *Ibid.* [↑](#footnote-ref-379)
380. *Ibid*. ¶ 17. [↑](#footnote-ref-380)
381. *2007 Report of the Special Rapporteur on the right to health to the General Assembly*, note 167 *supra*, ¶ 84. [↑](#footnote-ref-381)
382. *Ibid*. [↑](#footnote-ref-382)
383. *2008* *Report of the Special Rapporteur on the right to education to the Human Rights Council*, note 214 *supra*, ¶ 94. [↑](#footnote-ref-383)
384. *Ibid*. ¶ 147. [↑](#footnote-ref-384)
385. *Ibid*. ¶ 94. [↑](#footnote-ref-385)
386. *Ibid*. [↑](#footnote-ref-386)
387. *Ibid*. [↑](#footnote-ref-387)
388. *2012 Report of the Special Rapporteur on toxic wastes*, note 90 *supra*, ¶ 33, citing the Convention on the Elimination of All Forms of Discrimination against Women, art. 11(1) (f). [↑](#footnote-ref-388)
389. *Ibid*. ¶ 44. [↑](#footnote-ref-389)
390. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin*, *Addendum, Protection of internally displaced persons in situations of natural disasters*, 5 March 2009, U.N. Doc. A/HRC/10/13/Add. 1, ¶ 17. [↑](#footnote-ref-390)
391. *Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani*, 20 December 2010, U.N. Doc. A/HRC/16/43, ¶ 64. [↑](#footnote-ref-391)
392. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons on protection of internally displaced persons in situations of natural disaster,* note 390 *supra*, ¶ 68. [↑](#footnote-ref-392)
393. *Ibid*. [↑](#footnote-ref-393)
394. *Ibid*. [↑](#footnote-ref-394)
395. *Ibid. ¶* 60. [↑](#footnote-ref-395)
396. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Mission to Somalia*, 21 January 2010, U.N. Doc. A/HRC/13/21/Add. 2, ¶ 41. [↑](#footnote-ref-396)
397. *Ibid*. [↑](#footnote-ref-397)
398. *Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, Addendum, Mission to Kenya*, 6 February 2012, U.N. Doc. A/HRC/19/54/Add. 2. ¶ 67. [↑](#footnote-ref-398)
399. *Report of the Special Rapporteur on the human rights of internally displaced persons, Mission to the Maldives*, 30 January 2012, U.N. Doc. A/HRC/19/54/Add.1, ¶ 71 (c). [↑](#footnote-ref-399)
400. *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, on the draft guiding principles on extreme poverty and human rights*, 6 August 2010, U.N. Doc. A/HRC/15/41 ¶ 33. [↑](#footnote-ref-400)
401. *Ibid*. ¶ 80. [↑](#footnote-ref-401)
402. *2012* *Report of the Special Rapporteur on the right to health to the Human Rights Council,* note 163 *supra*, ¶ 41. [↑](#footnote-ref-402)
403. *Ibid*. [↑](#footnote-ref-403)
404. *Ibid*. ¶ 43. [↑](#footnote-ref-404)
405. *2007 Report of the Special Rapporteur on the right to health to the General Assembly*, note 167 *supra*, ¶ 107(j). [↑](#footnote-ref-405)
406. *2009 Report of the Special Rapporteur on adequate housing to the General Assembly,* note 50 *supra*, ¶¶ 39, 72. [↑](#footnote-ref-406)
407. *Ibid*. ¶ 39. [↑](#footnote-ref-407)
408. *Ibid*. ¶ 72. [↑](#footnote-ref-408)
409. *Ibid*. ¶ 39. [↑](#footnote-ref-409)
410. *Ibid*. ¶ 40. [↑](#footnote-ref-410)
411. *See ibid. ¶* 71. [↑](#footnote-ref-411)
412. *Ibid*.; *see also* ¶ 47. [↑](#footnote-ref-412)
413. *Ibid*. ¶ 47 [↑](#footnote-ref-413)
414. *Ibid*. ¶ 45; *also* ¶¶ 44, 70. [↑](#footnote-ref-414)
415. *Ibid*. ¶¶ 45, 70. [↑](#footnote-ref-415)
416. *Ibid*. ¶ 44. [↑](#footnote-ref-416)
417. *Ibid*. [↑](#footnote-ref-417)
418. *Ibid*. ¶ 42, Intergovernmental Panel on Climate Change, *Climate Change 2007: Mitigation of Climate Change*, contribution of Working Group III to the fourth assessment report of the Panel (Cambridge, United Kingdom, Cambridge University Press, 2007), p. 173. [↑](#footnote-ref-418)
419. *Ibid*. ¶46. [↑](#footnote-ref-419)
420. *Ibid*. [↑](#footnote-ref-420)
421. *Ibid*. ¶ 48. [↑](#footnote-ref-421)
422. *Ibid*. [↑](#footnote-ref-422)
423. *Ibid*. ¶¶ 50, 73. [↑](#footnote-ref-423)
424. *Ibid*. ¶ 50; *see also* ¶ 63 (“The informed participation of people in the development of national — and local-level responses aimed at adapting to the effects of climate change requires efforts to build the capacity of national populations to take part in such decisions through public awareness and mobilization.”). [↑](#footnote-ref-424)
425. *Ibid*. ¶ 50. [↑](#footnote-ref-425)
426. *Ibid*. ¶ 74. [↑](#footnote-ref-426)
427. *Ibid*. ¶ 51. [↑](#footnote-ref-427)
428. *Ibid*. [↑](#footnote-ref-428)
429. *Ibid*. [↑](#footnote-ref-429)
430. *Ibid*. [↑](#footnote-ref-430)
431. *Ibid*. ¶ 53. [↑](#footnote-ref-431)
432. *Ibid*. ¶ 74. [↑](#footnote-ref-432)
433. *Ibid*. ¶ 52. [↑](#footnote-ref-433)
434. *Ibid*. ¶ 55. [↑](#footnote-ref-434)
435. *Ibid*. [↑](#footnote-ref-435)
436. *See Report of the Special Rapporteur on the right to adequate housing on the mission to Maldives*, note 78 *supra*. [↑](#footnote-ref-436)
437. *Ibid*. ¶ 16. [↑](#footnote-ref-437)
438. *Ibid*. [↑](#footnote-ref-438)
439. *Ibid*. ¶ 69. [↑](#footnote-ref-439)
440. *Ibid*. ¶ 68 [↑](#footnote-ref-440)
441. *Preliminary note of the Special Rapporteur on the right to adequate housing on the mission to Maldives*, note 78 *supra*, ¶11. [↑](#footnote-ref-441)
442. *Ibid*. ¶ 19. [↑](#footnote-ref-442)
443. *Report of the Special Rapporteur on the right to food, Building resilience: a human rights framework for world food and nutrition security*, note 126 *supra*, ¶ 9 [↑](#footnote-ref-443)
444. *Ibid*. [↑](#footnote-ref-444)
445. *Ibid.* ¶ 11. [↑](#footnote-ref-445)
446. *2010 Report of the Special Rapporteur on the right to food to the Human Rights Council*, note 136 *supra*, ¶ 28. According to De Schutter,“As a set of agricultural practices, agroecology seeks ways to enhance agricultural systems by mimicking natural processes, thus creating beneficial biological interactions and synergies among the components of the agroecosystem.” ¶ 12. [↑](#footnote-ref-446)
447. *Ibid*. ¶ 28. [↑](#footnote-ref-447)
448. *Ibid*. ¶ 29. [↑](#footnote-ref-448)
449. *Ibid*. [↑](#footnote-ref-449)
450. *Ibid*. ¶ 30. [↑](#footnote-ref-450)
451. *Ibid*. ¶ 31 [↑](#footnote-ref-451)
452. *Ibid*. [↑](#footnote-ref-452)
453. *Ibid*. [↑](#footnote-ref-453)
454. *See* note 42 *supra*. [↑](#footnote-ref-454)
455. *Ibid*. p. 4 [↑](#footnote-ref-455)
456. *Ibid*. pp. 4-6. [↑](#footnote-ref-456)
457. *Ibid*. [↑](#footnote-ref-457)
458. *Ibid*. p. 7. [↑](#footnote-ref-458)
459. *2010 Report of the Independent Expert on poverty and human rights to the General Assembly*, note 2 *supra*, ¶ 38. [↑](#footnote-ref-459)
460. *Ibid*.¶ 39. [↑](#footnote-ref-460)
461. *Ibid*. ¶ 40. [↑](#footnote-ref-461)
462. *Ibid*. ¶ 42. [↑](#footnote-ref-462)
463. *Ibid*; *see also Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, Addendum, Mission to Viet Nam*, 17 March 2011, U.N. Doc. A/HRC/17/34, ¶ 101 (“The international community should continue providing official development assistance (ODA) to Vietnam in addition to necessary funds for climate change mitigation and adaptation measures.”). [↑](#footnote-ref-463)
464. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Protection of internally displaced persons in situations of natural disasters*, note 390 *supra*, ¶ 17. [↑](#footnote-ref-464)
465. *Ibid*. [↑](#footnote-ref-465)
466. *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin*, 5 January 2010, U.N. Doc. A/HRC/13/21 ¶ 84 ff. [↑](#footnote-ref-466)
467. *2010* *Report of the Special Rapporteur on the human rights of internally displaced persons, to the Human Rights Council*, note 391 supra, ¶ 65. [↑](#footnote-ref-467)
468. *Ibid*. [↑](#footnote-ref-468)
469. *Ibid*. [↑](#footnote-ref-469)
470. *2011 Report of the Special Rapporteur on internally displaced persons to the General Assembly*, note 41 *supra*, ¶ 87. [↑](#footnote-ref-470)
471. *Ibid*. [↑](#footnote-ref-471)
472. *Ibid*. ¶ 88. [↑](#footnote-ref-472)
473. *Ibid*. [↑](#footnote-ref-473)
474. *2010* *Report of the Special Rapporteur on the human rights of internally displaced persons, to the Human Rights Council*, note 391 *supra*, ¶ 64. [↑](#footnote-ref-474)
475. *Ibid.* [↑](#footnote-ref-475)
476. *Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani*, 18 March 2013, U.N. Doc. A/HRC/23/44, ¶ 93. [↑](#footnote-ref-476)
477. *Report of the Special Rapporteur on the human rights of internally displaced persons, Mission to the Maldives*, note 399 *supra*, ¶¶ 33-34. [↑](#footnote-ref-477)
478. *Ibid*. [↑](#footnote-ref-478)
479. *Ibid*. ¶ 69. [↑](#footnote-ref-479)
480. *Ibid*. ¶ 66. [↑](#footnote-ref-480)
481. *2012 Report of the Special Rapporteur on migration to the General Assembly*, note 219 *supra*, ¶ 73. [↑](#footnote-ref-481)
482. *Ibid*. ¶ 93(c). [↑](#footnote-ref-482)
483. *Ibid*. ¶ 39. [↑](#footnote-ref-483)
484. *Ibid. ¶* 93(d). [↑](#footnote-ref-484)
485. *Ibid*. ¶ 93(e). [↑](#footnote-ref-485)
486. *Ibid*. ¶¶ 74, 93(e). [↑](#footnote-ref-486)
487. *Ibid*. ¶ 74. [↑](#footnote-ref-487)
488. *Ibid*. ¶ 75. [↑](#footnote-ref-488)
489. *Ibid.* [↑](#footnote-ref-489)
490. *Ibid.* ¶ 76. [↑](#footnote-ref-490)
491. *Ibid*. ¶ 93(f). [↑](#footnote-ref-491)
492. *Ibid*. [↑](#footnote-ref-492)
493. *Ibid*. [↑](#footnote-ref-493)
494. *Ibid*. ¶ 79. [↑](#footnote-ref-494)
495. *Ibid*. ¶ 93(b). [↑](#footnote-ref-495)
496. *Report of the Special Rapporteur on the right to food, Building resilience: a human rights framework for world food and nutrition security*, note 126 *supra*, ¶ 24. [↑](#footnote-ref-496)
497. *Ibid*. ¶ 25. [↑](#footnote-ref-497)
498. *Ibid*.¶ 26. [↑](#footnote-ref-498)
499. *Ibid*. ¶¶ 31-34. [↑](#footnote-ref-499)
500. *Ibid*. ¶ 31. [↑](#footnote-ref-500)
501. *Ibid*. ¶ 24. [↑](#footnote-ref-501)
502. *Report of the Special Rapporteur on the right to food, Mission to the Syrian Arab Republic*, note 151 *supra*, ¶ 66. [↑](#footnote-ref-502)
503. *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons on situations of natural disasters*, note 390 *supra*, ¶ 73. [↑](#footnote-ref-503)
504. *Ibid*. [↑](#footnote-ref-504)
505. *Ibid*. [↑](#footnote-ref-505)
506. *2003 Report of the Special Rapporteur on toxic wastes to the Commission for Human Rights*, note 174 *supra*, ¶¶ 106, 112. [↑](#footnote-ref-506)
507. *2010 Report of the Special Rapporteur on toxic wastes to the Human Rights Council*, note 17 *supra*, ¶ 8. [↑](#footnote-ref-507)
508. *2013 Report of the Special Rapporteur on water and sanitation to the General Assembly*, note 284 *supra*, ¶ 46. [↑](#footnote-ref-508)
509. *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Addendum, Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse*, 23 May 2008, U.N. Doc. A/HRC/8/5/Add.2. [↑](#footnote-ref-509)
510. *Ibid*. ¶¶ 2, 5. [↑](#footnote-ref-510)
511. *Ibid*. ¶ 11. [↑](#footnote-ref-511)
512. *Ibid*. [↑](#footnote-ref-512)
513. *Ibid*. ¶ 27. [↑](#footnote-ref-513)
514. *Ibid*. [↑](#footnote-ref-514)
515. *Ibid*. ¶ 68. [↑](#footnote-ref-515)
516. *Ibid*. [↑](#footnote-ref-516)
517. *Ibid*. ¶ 69. [↑](#footnote-ref-517)
518. *Ibid*. [↑](#footnote-ref-518)
519. *Ibid*. ¶ 74. [↑](#footnote-ref-519)
520. *Ibid*. ¶ 75. [↑](#footnote-ref-520)
521. *Ibid*. [↑](#footnote-ref-521)
522. *Ibid*. [↑](#footnote-ref-522)
523. *Ibid*. ¶ 71. [↑](#footnote-ref-523)
524. *Ibid*. [↑](#footnote-ref-524)
525. *See generally* Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, U.N. Doc. A/HRC/17/31 (21 March 2011). [↑](#footnote-ref-525)
526. *Ibid*. ¶¶ 4, 9. [↑](#footnote-ref-526)
527. *Ibid.* Annex, Guiding Principles, General Principles. [↑](#footnote-ref-527)
528. *Ibid*. ¶ 6. [↑](#footnote-ref-528)
529. *Ibid.* Annex, Guiding Principles, principle 11. [↑](#footnote-ref-529)
530. *Ibid.* Annex, Guiding Principles, principle 13 [↑](#footnote-ref-530)
531. *Ibid.* Annex, Guiding Principles, principle 17. [↑](#footnote-ref-531)
532. *Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*, note 363 *supra*, ¶¶ 18-31. [↑](#footnote-ref-532)
533. *Ibid*. ¶ 21. [↑](#footnote-ref-533)
534. *Ibid*. [↑](#footnote-ref-534)
535. *Ibid*. ¶ 22. [↑](#footnote-ref-535)
536. *Ibid*. ¶ 24. [↑](#footnote-ref-536)
537. *Ibid*. ¶ 30. [↑](#footnote-ref-537)
538. *Ibid*. [↑](#footnote-ref-538)
539. *Ibid*. ¶¶ 41-49. [↑](#footnote-ref-539)
540. *Ibid*. ¶ 42. [↑](#footnote-ref-540)
541. *2012 Report of the Special Rapporteur on Toxic Wastes*, note 90 *supra*, ¶ 50. [↑](#footnote-ref-541)
542. *Ibid.* [↑](#footnote-ref-542)
543. *February 2006 Report of the Special Rapporteur on toxic wastes*, note 5 *supra*, ¶ 44. [↑](#footnote-ref-543)
544. *Ibid*. [↑](#footnote-ref-544)
545. *2011 Report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council*, note 23 *supra*, ¶ 70. [↑](#footnote-ref-545)
546. *Ibid*. [↑](#footnote-ref-546)
547. *2013 Report of the Special Rapporteur on the situation of human rights defenders to the General Assembly*, note 34 *supra*, ¶ 44. [↑](#footnote-ref-547)
548. *Ibid*. ¶ 83. [↑](#footnote-ref-548)
549. *Ibid*. [↑](#footnote-ref-549)