



## Mandate of the Independent Expert on human rights and the environment

28 February 2014

Dear friends and colleagues,

This letter is to update you on my work as the UN Independent Expert on human rights and the environment since the last newsletter in December.\* It describes two developments in particular: the completion of the project to map the human rights obligations relating to the environment; and ongoing efforts to identify good practices in the use of such obligations, including an April 1 deadline for abstracts for a September 2014 conference at Yale University.

**Mapping Report.** I will present my second annual report to the Human Rights Council on 10 March 2014. The report, which is attached to this newsletter, fulfills one of the major elements of the mandate set out in Resolution 19/10: to study, based on widespread consultations and research, the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

The report maps environmental human rights obligations as they have been described by UN human rights treaty bodies, by other UN bodies and mechanisms such as the Human Rights Council and its special rapporteurs, by regional human rights systems, and by international environmental instruments. The results are detailed in 14 individual reports, each of which explains how a source or set of sources has applied human rights obligations to the environment. Those reports will soon be available on <http://ieenvironment.org>.

The mapping report to the Human Rights Council summarizes the 14 subsidiary reports. Its principal conclusions include the following:

- o The human rights obligations relating to the environment include procedural obligations of States to *assess environmental impacts* on human rights and to *make environmental information public*, to *facilitate participation* in environmental decision-making, and to *provide access to remedies*. The obligation to facilitate public participation includes duties to *safeguard the rights of freedom of expression and association* against threats, harassment and violence.
- o The human rights obligations relating to the environment also include substantive obligations of States to *adopt legal and institutional frameworks that protect*

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*against environmental harm that interferes with the enjoyment of human rights, including harm caused by private actors. Although States have discretion to strike a balance between environmental protection and other legitimate societal interests, the balance cannot be unreasonable or result in unjustified, foreseeable infringements of human rights.*

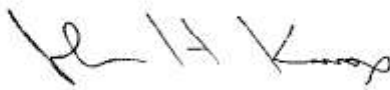
- o States have a cross-cutting requirement of *non-discrimination* in the application of environmental laws, and additional obligations to members of groups particularly vulnerable to environmental harm, including in particular women, children and indigenous peoples.

The report concludes: **“Human rights obligations relating to the environment are continuing to be developed in many forums, and the Independent Expert urges States to support their further development and clarification. But the obligations are already clear enough to provide guidance to States and all those interested in promoting and protecting human rights and environmental protection. His main recommendation, therefore, is that States and others take these human rights obligations into account in the development and implementation of their environmental policies.”**

**Best practices.** A second major element of the mandate is to identify, promote and exchange views on best practices relating to the use of human rights obligations to inform, support and strengthen environmental policymaking. The consultations held in the last year with the assistance of UNEP (including, most recently, in Johannesburg in January), as well as those to be held in the coming year (including one in Bangkok in May) help to identify such practices, as did a country visit to Costa Rica last August. The ultimate goal is to prepare a compilation of good practices for my third annual report, to be presented to the Council in March 2015.

An important conference on this subject will be held on 5-7 September 2014 at Yale University, with the support of UNITAR and other partners. The organizers have invited policy experts, scholars and practitioners to submit abstracts, as explained in the Call for Abstracts attached to this newsletter. The conference provides a wonderful opportunity for detailed discussion of how human rights can strengthen environmental protection, and I strongly encourage you to consider submitting an abstract! **The deadline is April 1.**

Best regards,



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