**DRAFT GUIDELINES ON**

**HUMAN RIGHTS AND THE ENVIRONMENT**

***GENERAL OBLIGATIONS***

1. Every State has a general obligation to prevent, reduce and remedy environmental harm that interferes with the full enjoyment of human rights.

2. Every State has an obligation to respect, protect and fulfil human rights in actions it undertakes to address environmental challenges.

3. Every State has an obligation to prohibit discrimination and to ensure equal and effective protection against discrimination in actions relating to the enjoyment of a safe, clean, healthy and sustainable environment.

***PROCEDURAL OBLIGATIONS***

4. Every State has an obligation to provide for the assessment of environmental impacts that may interfere with the full enjoyment of human rights.

5. Every State has an obligation to provide for public access to environmental information.

6. Every State has an obligation to provide for and to facilitate public awareness and participation in environmental decision-making, including by respecting and protecting the rights to freedom of expression and to freedom of peaceful assembly and association.

7. Every State has an obligation to provide for a safe and enabling environment in which individuals, groups and organs of society that work on human rights and environmental issues can operate free from threats, hindrance and insecurity.

8. Every State has an obligation to provide for effective remedies for violations and abuses of human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment.

***SUBSTANTIVE OBLIGATIONS***

9. Every State has an obligation to establish, maintain and enforce an effective normative framework for the enjoyment of a safe, clean, healthy and sustainable environment, including:

(a) substantive standards, including with respect to air quality, water quality, the global climate, biological diversity, waste and toxic substances, that are non-retrogressive and consistent with relevant international environmental, health and safety standards; and

(b) effective legal and institutional mechanisms to regulate the activities of public and private actors in order to prevent, reduce and remedy environmental harm that interferes with the full enjoyment of human rights.

10. States have an obligation to cooperate with each other to establish, maintain and enforce effective international environmental norms in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.

11. States have an obligation to take into account their human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals.

12. States have an obligation to ensure that projects supported by international financial mechanisms respect, protect and fulfil human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment.

***OBLIGATIONS IN RELATION TO THOSE WHO ARE***

***MOST VULNERABLE TO ENVIRONMENTAL HARM***

13. Every State has an obligation to identify those within its jurisdiction who are most vulnerable to different types of environmental harm, who may include women, children, indigenous peoples, older persons, persons with disabilities, and the extremely poor, among others.

14. Every State has heightened obligations to protect those who are most vulnerable to environmental harm, taking into account their specific needs, capacities and risks. These obligations include:

(a) assessing the environmental impacts of proposed actions on them;

(b) facilitating their access to environmental information, including information on the specific effects of environmental harm on them;

(c) facilitating their equitable and effective participation in environmental decision-making;

(d) facilitating their access to effective remedies for violations and abuses of their rights; and

(e) ensuring that normative frameworks prevent, reduce and remedy environmental harm that interferes with the full enjoyment of their rights.

15. Every State has obligations to indigenous peoples and local communities[[1]](#footnote-1), which include:

(a) ensuring the legal recognition and protection of their rights to the lands, territories and natural resources that they have traditionally occupied or used;

(b) consulting with them and obtaining their free, prior and informed consent before relocating them or approving measures that may affect their lands, territories or natural resources; and

(c) ensuring that they receive a fair and equitable share of the benefits from development activities that affect their lands, territories or natural resources.

1. “Local communities” here refers to communities that resemble indigenous peoples in having a distinctive cultural and material relationship with their ancestral land. Examples include Afro-descendant communities in Latin America. [↑](#footnote-ref-1)