Call for Inputs:

**The Right to a Safe, Clean, Healthy and Sustainable Environment**

Human Rights Council Resolution 37/8 tasks the Special Rapporteur with hosting an experts' seminar "on experience and best practices of States at the national and regional levels with regard to human rights obligations relating to the environment." The Special Rapporteur, Mr. David Boyd, will prepare a summary report on the seminar as well as a thematic report focusing on good practices specifically related to the implementation of the right to a safe, clean, healthy and sustainable environment (a right now legally recognized by more than 150 States). For these purposes, he is seeking inputs from States and other stakeholders on this important topic through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur's analysis and feed into his thematic report, which will be presented to the Human Rights Council in March 2020.

Questionnaire

The Special Rapporteur invites and welcomes your answers to the following queWstions:

1. *Please provide, in detail, examples of laws, regulations, policies and programmes that specifically incorporate the human right to a safe, clean, healthy and sustainable environment (acknowledging that different terms may be used to describe this human right).*

Laws:

Nature Conservation Act [[1]](#footnote-1)(1999) defines **the right of access and harmless passage** (see Article 9 on Ecological and social function of a property, paragraph 1: »On his land a landowner shall permit harmless passage to other persons and any other general use in accordance with the law and shall permit biodiversity conservation tasks and measures for the protection of valuable natural features (hereinafter referred to as nature protection tasks) to be carried out on his property.«

**The Environmental Protection Act** (Official Gazette of RS, Nos. 39/06 - official consolidated text, 49/06 - ZMetD, 66/06 - odl. US, 33/07 - ZPNačrt, 57/08 - ZFO-1A, 70/08 , 108/09 , 108/09 - ZPNačrt-A, 48/12 , 57/12 , 92/13 , 56/15 , 102/15 , 30/16 , 61/17 - GZ, 21/18 - Norway and 84 / 18 - ZIURKOE) determines:

1. The purpose of environmental protection is to promote and direct such social development that enables long-term conditions for human health, well-being and quality of life, and the preservation of biodiversity.

(2) The objectives of environmental protection are in particular:

1. prevention and reduction of environmental burden,

2. maintaining and improving the quality of the environment,

3. sustainable use of natural resources,

4. reduction of energy use and increased use of renewable energy sources,

5. eliminating the effects of environmental pollution, improving the disrupted natural balance and restoring its regenerative capacity,

6. increasing material efficiency of production and consumption; and

7. abandonment and replacement of hazardous substances.

(3) In order to achieve the objectives referred to in the preceding paragraph, this act:

1. Encourages production and consumption, which contributes to reducing the burden on the environment,

2. Encourages the development and use of technologies that prevent, eliminate or reduce environmental pollution and

3. determines paying for pollution and use of natural resources.

**Waste Regulation** (Official Gazette of RS, Nos. 37/15 and 69/15) determines in Article 10

(Protection of the environment and protecting human health):

(1) Waste must be handled in such a way that it is not endangering human health and without harming the environment, and to conduct, in particular:

1. poses no risk to water, air, soil, plants and animals,
2. it does not cause excessive noise and odours,
3. it does not cause any adverse effects on an area for a specific regime in accordance with the regulations governing the conservation of nature, or the regulations governing the protection of drinking water sources, and
4. it does not cause adverse effects on the landscape or areas for a specific regime in accordance with regulations governing the protection of cultural heritage.

(2) The design, production, distribution, consumption and use of the products must be such as to contribute to the prevention of waste generation and increase the possibilities for preparing for re-use and recycling of waste generated from these products.

1. *Please provide specific examples of good practices in the implementation of the human right to a safe, clean, healthy and sustainable environment. Examples may include practices related to: guaranteeing procedural rights (e.g., access to information, public participation in environmental decision-making and access to justice and remedies); protecting the substantive elements of the right (including: clean air; access to clean water and sanitation; healthy and sustainably produced food; a non-toxic environment in which to live, work, study, and play; a safe climate; and healthy biodiversity and ecosystems); monitoring adverse impacts on the human right to a safe, clean, healthy and sustainable environment; promoting the enjoyment of the right to a safe, clean, healthy and sustainable environment; regulating business activities in accordance with the UN Guiding Principles on Business and Human Rights to protect the right to a safe, clean, healthy and sustainable environment; and remedies that have been provided for victims of violations of the right to a safe, clean, healthy and sustainable environment. These examples may occur at the international, national, sub-national, or local level.*

Protection of substantive elements of the rights:

European Union has established the world largest coordinated network of protected areas, called Natura 2000. Slovenia has designated the highest rate of its national territory as Natura 2000 sites in the EU, namely 37,5% of terrestrial surface. Besides, 15,4 % of its national territory are protected areas (nature parks, reserves and monuments). This amounts to total 41,4 % of the terrestrial territory having a nature conservation status.

Access to information: Regarding nature conservation, all monitoring reports for Natura 2000 sites and species are published on the website[[2]](#footnote-2).

In the context of the public utility service for municipal waste collection in accordance with **Regulation of mandatory municipal public service of municipal waste collection (Official Gazette of RS, Nos. 33/17 and 60/18)** ) the collection is provided as follows:

1. The separate fractions of subgroup 15 01 and 20 01 in the list of waste,

2. The bulky waste,

3. The waste from gardens, parks and cemeteries,

4. Waste from markets,

5. Waste from street cleaning,

6. Mixed municipal waste and

7. Worn tires in accordance with the regulations governing the handling of spent tires.

Waste is collected through the system door to door (municipal solid waste, bio-waste and mixed plastic and metal packaging), on special collection sites, in collection centers or with mobile collection facility (hazardous waste). Public service is provided to all the original producer of municipal waste

1. *Please provide evidence related to the effectiveness of the measures identified in your responses to Questions #2. For example, evidence could involve measured decreases in air and water pollution, a growing proportion of the population with access to clean water and adequate sanitation, increased production of renewable energy, declining greenhouse gas emissions, a growing percentage of land in terrestrial and marine protected areas, declining use of pesticides and/or other toxic substances, lower body burdens of toxic substances such as PCBs and lead, and declining rates of deforestation.*

Evidence related to the effectiveness of measures:

Percentage of land in terrestrial and marine protected areas (incl. nature parks and reserves, Natura 2000 sites) is increasing. It has risen from 39,7% (2009) to 41,4% (2019) in last 10 years (increase for 4 %).

The rate of separate collected municipal waste increased from 18% (2009) to 70% (2016)

The rate of recycled municipal waste increased from 22% (2010) to 58% (2016)

The landfill rate of municipal waste decreased from 76% (2009) to 7% (2017)

1. *Please specify any challenges your Government, business, or organization has experienced in fulfilling its obligations relating to the human right to a safe, clean, healthy and sustainable environment.*

Following challenges emerged: raising awareness about reducing waste, the lack of infrastructure for thermal treatment of non-recyclable waste and upgrading extended producers responsibility system.

1. *How are the rights of those who may be particularly vulnerable to violation of then-right to a safe, clean, healthy and sustainable environment (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities), through either environmental degradation (e.g. air and water pollution, exposure to toxic substances, climate change impacts) or lack of access to environmental amenities (e.g. safe drinking water, adequate sanitation, waste management services, access to natural spaces), provided with heightened protection?*

Access to the use of public environmental protection services is guaranteed to all residents.

1. *How do you ensure that the rights of environmental human rights defenders are protected? What efforts has your Government, business or organization made to create a safe and enabling environment for them to freely exercise their rights without fear of intimidation, violence or reprisal?*

In the Environmental act there is a special article concerning public principle that determines:

(1) Environmental information is public.

(2) Everyone has the right to access environmental information in accordance with the law.

(3) The public shall have the right to participate in the procedures of adopting regulations, policies, strategies, programs, plans and plans relating to environmental protection in accordance with this Act.

(4) The public shall have the right to participate in procedures relating to plans, programs and interventions in the environment in other countries that could affect the environment in the Republic of Slovenia in accordance with this Act.

(5) The public shall have the right to participate in the procedures of issuing specific legal acts relating to environmental interventions in accordance with this Act.

1. *What are ways in which high-income States should assist low-income States in respecting, protecting, and fulfilling the human right to a safe, clean, healthy and sustainable environment?*

Mainly by sharing their good practices, exchange of knowledge and through expert training on the spot.

*8. For businesses, what policies or practices are in place to ensure that your activities, products, and services (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) respect and protect the human right to a safe, clean, healthy and sustainable environment?*

Some products (packaging, electrical equipment, cars,…) are subject to the extended responsibility of the manufacturer. It must ensure that the products and waste arising from the use of such products are treated in such a way to promote their re-use and prevention of waste and their recycling.

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1. <http://www.pisrs.si/Pis.web/npbDocPdf?idPredpisa=ZAKO6877&idPredpisaChng=ZAKO1600&type=doc&lang=EN> [↑](#footnote-ref-1)
2. <http://www.natura2000.si/o-naturi-2000/natura-2000-v-sloveniji/spremljanje-stanja-monitoring> [↑](#footnote-ref-2)