



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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

4 February 2015

Dear friends and colleagues,

I have the pleasure of writing to you in preparation of my annual report to the Human Rights Council. With reference to Human Rights Council resolution 27/23, I am requested to submit a thematic report to the Council on an annual basis.

In 2015, I intend to focus my thematic report to the Human Rights Council on the issue of the right of access to information with respect to hazardous substances and wastes. In this regard, I would like to ask your input. To facilitate your input, please find enclosed a questionnaire the results of which will help me prepare the report. Responses will be collated and made available for public access, unless you indicate that you would like your submission to be kept confidential. The report will be presented in September 2015 at the 30th session of the Council.

I would be grateful to receive all submissions **no later than 15 March 2015**.

Responses to the questionnaire can be sent to srtoxicwaste@ohchr.org (encouraged) or addressed to:

Special Rapporteur on human rights and hazardous substances and wastes
Sustainable Human Development Section
Special Procedures Branch
UNOG-OHCHR
Palais des Nations
CH-1211 Geneva 10, Switzerland
Fax : +41 22 917 9006

Should you have any questions in the meantime, please do not hesitate to contact me (e-mail: srtoxicwaste@ohchr.org).

Thank you for your interest in my mandate and I look forward to receiving your contribution.

A handwritten signature in black ink, appearing to read 'B. Tuncak'.

Baskut Tuncak

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

Questionnaire

The Special Rapporteur seeks to explore the importance of the right of access to information in the field of hazardous substances and wastes. He is interested in examining the legal framework, identifying information gaps, and analysing how this right is implemented at various levels (e.g., at the national, local and municipal levels) and by different government bodies (e.g., Ministries of environment, health, labour, etc.) in practice. He also intends to identify barriers to realizing the right of access to information, with the aim of mitigating the adverse impacts of hazardous substances and wastes on human rights.

The Special Rapporteur would particularly welcome answers to the following questions (when applicable):

1. What obligations does your Government have to ensure the right of access to information under international, regional and national laws? Please provide, in detail, the relevant legislation that guarantees the right of access to information on hazardous substances and wastes, as well as the mechanisms, including grievance mechanisms, which may be used by individuals and groups.
2. Please provide, in detail, the scope and characteristics of hazardous substances and wastes-related information that is or may be accessible to the public? More specifically, please explain what type(s) of information is produced, by whom, based on what criteria, and the time frame/frequency of data production including whether data collected is disaggregated by gender, age, disability status, etc.
3. Please explain, in detail, how the information on hazardous substances and wastes is made available to the general public. In addition, what actions does the Government take to disseminate this information and to raise awareness about the adverse impacts of hazardous substances and wastes on human rights? How is this information tailored to the different constituencies?
4. Please provide examples of how information on hazardous substances and wastes has been used to:
 - monitor human rights affected by hazardous substances and wastes (e.g., rights to health, safe and healthy working conditions, water and sanitation, healthy environment, etc.);
 - protect the human rights of individuals and groups from the adverse impacts of hazardous substances and wastes;
 - promote other human rights (e.g., rights to health, safe and healthy working conditions, water and sanitation, healthy environment, etc.);
 - prevent potential human rights violations caused by the improper management of hazardous substances and wastes; and
 - hold perpetrators accountable and seek remedy for victims.
5. Which businesses are required to provide information on hazardous substances and wastes (e.g., size, sector, operational context, ownership and structure)? Please explain, in detail, the obligations of these businesses, have with regard to the type of



information they are obliged to provide, to whom the information is made available, and what measures may be taken if businesses fail to meet these obligations.

6. When does the Government limit the right of access to information on hazardous substances and wastes? Are these criteria on limitation provided by law? Who has the authority to make decisions on the disclosure/non-disclosure of such information?
7. How does the Government ensure that the right of access to this information is fulfilled while also respecting the confidentiality of business information? If available, please indicate relevant cases and attach copies of relevant judgements.