



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 in 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:

1. What country or countries do you operate in (including the sale of products)?
2. Please describe your company's policy regarding what information your customers and the public at large has a right to know about hazardous substances and wastes throughout the lifecycle of your operations. What information does the public always have a right to know regarding hazardous substances and wastes in your principal place of business?
3. What internal policies does your company have with regard to access to information? Please provide, in detail, the scope and characteristics of hazardous substances and wastes-related information that you are required to provide to the public and/or the Government? More specifically, please explain what information is produced based on what criteria by whom and the time frame/frequency of data production as well as types of information generated (e.g., if data collected is disaggregated by gender, age, disability status, etc.).
4. What obligations does your company have with regard to access to information under the national law where you operate in? Please provide, in detail, the scope and characteristics of hazardous substances and wastes-related information that you are required to provide to the public and the Government? More specifically, please explain what information is produced based on what criteria, by whom and the time frame/frequency of data production as well as types of information generated (e.g., if data collected is disaggregated by gender, age, disability status, indigenous status, etc.).
5. Of policies implemented to increase access to information, which have had the greatest impact on your ability, or the ability of other businesses, to develop safer and cleaner products and processes to reduce the risk of harm to people? What information do you need or want in order to develop such products?
6. Please provide, in detail, the internal criteria for your company to classify certain information as confidential business information or trade secret, as the case may be, thus, not for public disclosure. Please provide in detail, the internal policy on the situation where confidentiality conflicts with the right to information. If available, please indicate

relevant cases and attach copies of relevant documents. What measures are you subject to, to ensure the legitimacy of information deemed confidential, that is:

- a. Generated and provided to governmental authorities, but not disclosed to the public?
- b. Generated, but provided to governmental authorities or the public?