

SELECTED SOURCES FOR FRAMEWORK PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT

In 2018, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment presented Framework Principles on Human Rights and the Environment, which summarize the main such human rights obligations (UN Doc. A/HRC/37/59, 24 January 2018).

The sources for the Framework Principles and their accompanying commentary include international agreements and decisions of human rights tribunals, human rights treaty bodies and other human rights bodies interpreting and applying those agreements. The present list of sources is illustrative, not exhaustive. The mapping reports prepared by the then-Independent Expert in 2014 provide additional sources,¹ and new sources will continue to add to the body of human rights law relating to the enjoyment of a safe, clean, healthy and sustainable environment.

For each Framework Principle, the sources listed here are generally divided into the instruments that set out the general obligations, and the decisions that apply those obligations in the environmental context. It is important to recognize, however, that the decisions supporting a particular principle are based on a broad range of human rights, which may extend beyond the specific instruments that are listed for that principle. For example, human rights bodies have often derived procedural obligations of States to provide for public information, awareness, participation and remedy in the environmental context not just from civil and political rights, but from the entire range of human rights whose enjoyment is at risk from environmental harm, including rights to life and health.

¹ The mapping reports are available at www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/MappingReport.aspx.

Framework principle 1. States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights.

Framework principle 2. States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.

Instruments, decisions and statements recognizing the interdependence of human rights and the environment include:

Stockholm Declaration of the United Nations Conference on the Human Environment, principle 1.

Rio Declaration on Environment and Development, principle 1.

Convention on the Rights of the Child, art. 24(2).

Additional Protocol to the American Convention on Human Rights, art. 11.

African Charter on Human and Peoples' Rights, art. 24.

Arab Charter on Human Rights, art. 38.

ASEAN Human Rights Declaration, art. 28.

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 1.

Human Rights Council res. 31/8, para 4(a); 34/20, para. 5(a).

Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The right to adequate food* (1999), para. 15.

Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health* (2000), para. 33.

African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre v. Nigeria*, No. 155/96 (2001).

European Court of Human Rights, *Budayeva v. Russia*, No. 15339/02 (2008).

Inter-American Court on Human Rights, Consultative Opinion No. 23/17 on Environment and Human Rights (2018).

Framework principle 3. States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.

The sources of the obligations to prohibit discrimination and ensure equal and effective protection include:

Universal Declaration of Human Rights, art. 7.

International Covenant on Civil and Political Rights, arts. 2(1), 26.

See Human Rights Committee, *General Comment No. 18: Non-discrimination* (1989).

International Covenant on Economic, Social and Cultural Rights, art. 2(2).

See Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights* (2009).

International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2 and 5.

Convention on the Elimination of All Forms of Discrimination Against Women, art. 2.

Convention on the Rights of Persons with Disabilities, art. 5.

Convention on the Rights of the Child, art. 2.

African Charter on Human and Peoples' Rights, art. 2.

American Convention on Human Rights, art. 1.

Arab Charter on Human Rights, art. 2.

ASEAN Human Rights Declaration, art. 3.

European Convention on Human Rights, art. 14.

Applications of the obligations to prohibit discrimination and ensure equal protection in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 6; 31/8, para. 4(d); 34/20, para 5(d).

Guiding Principles on Extreme Poverty and Human Rights, U.N. Doc. A/HRC/21/39 (2012), para. 20.

Concluding Observations of the Human Rights Committee for the Ninety-eighth session: Argentina, U.N. Doc. CCPR/C/ARG/CO/4 (2010), para. 25 (expressing concern that “indigenous groups have been the target of violence and have been forcibly evicted from their ancestral lands in a number of provinces for reasons having to do with control over natural resources (articles 26 and 27 of the Covenant”).

Concluding Observations of the Human Rights Committee for the Sixty-sixth session: Mexico, U.N. Doc. CCPR/C/79/Add. 109 (1999), para. 19 (recognizing a lack of equal protection (i.e., article 26) in the context of threats to the indigenous minority’s rights to enjoy its lands and natural resources and culture (i.e., article 27)).

Report of the Human Rights Committee for the Fifty-fifth session, Consideration of reports submitted by State parties under article 40 of the Covenant: Guyana, U.N. Doc. A/55/40 (vol. I) (2000), para. 379 (expressing concern that the Amerindians’ right to enjoy their culture (i.e., article 27) is “threatened by logging, mining and delays in the demarcation of their traditional lands”).

Report of the Human Rights Committee for the Sixty-second session, Consideration of reports submitted by State parties under article 40 of the Covenant: Bosnia and Herzegovina, U.N. Doc. A/62/40 (Vol. I) (2007), para. 80(23) (calling attention to the selective application of environmental legislation as a pretext for impermissible, ethnicity-based discrimination).

Human Rights Committee, *Erlingur Svein Haraldsson, et al. v. Iceland*, 24 October 2007, U.N. Doc. CCPR/C/91/D/1306/2004 (concluding that criteria used to allocate fishing harvest rights violated rights to equal protection (i.e., article 26)).

Concluding Observations of the Committee on the Elimination of Discrimination against Women for the Fifty-first session, Grenada, U.N. Doc. CEDAW/C/GRD/CO/1-5 (2012), para. 36 (recommending that State Parties “[e]nsure that the development and implementation of policies and programmes on disaster preparedness, response to natural disasters and impacts of climate change, as well as other emergencies, are based on a comprehensive gender analysis, and mainstream the concerns of women, particularly those of rural women”).

Concluding Observations of the Committee on the Elimination of Discrimination against Women for the Forty-fourth session, Tuvalu, U.N. Doc. CEDAW/C/TUV/CO/2 (2009), paras. 55-56 (recommending that the State Party develop disaster management and mitigation plans in response to the potential displacement and/or statelessness arising from environmental and climatic change and that women be included throughout the planning processes and adoption of such strategies).

Report of the Committee on the Elimination of Discrimination against Women for the Forty-fourth & Forty-fifth sessions, Statement of the Committee on the Elimination of Discrimination against Women on gender and climate change, U.N. Doc. A/65/38(SUPP) (2009), para. 1 (calling on State Parties and other stakeholders to “ensure that climate change and disaster risk reduction measures are gender-responsive and sensitive to indigenous knowledge systems and that they respect human rights”).

Report of the Committee on the Elimination of Discrimination against Women for the Thirty-Seventh, Thirty-Eighth & Thirty-Ninth sessions, Consideration of reports of States parties: Indonesia, U.N. Doc. A/62/38(SUPP) (2007), para. 295 (urging the State Party to “take appropriate measures to eliminate all forms of discrimination against women with respect to access to housing and food aid in emergency and natural disaster situations and to ensure that women in these situations are adequately protected from violence”).

Report of the Committee on the Elimination of Discrimination against Women for the Twenty-fourth & Twenty-fifth sessions, Implementation of Article 21 of the Convention: Gender and sustainable development, U.N. Doc. A/56/38 (2001), para. 385 (calling on State Parties to introduce measures to protect the environment where environmental harms affect the rights of women and children).

Report of the Committee on the Elimination of Discrimination against Women for the Twenty-sixth, Twenty-seventh & Exceptional sessions, Implementation of Article 21 of the Convention: Gender and sustainable development, U.N. Doc. A/57/38(SUPP) (2002), para. 429(h) (suggesting that sustainable forest management systems should be developed to protect the rights of women, in particular rural women, to their land).

Report of the Special Rapporteur on the situation of human rights defenders to the sixty-eighth session of the General Assembly, U.N. Doc. A/68/262, para. 43.

Regional Human Rights Bodies:

Inter-American Commission on Human Rights, *Mossville Environmental Action Now v. United States*, No. 43/10 (2010), para. 42 (applying articles 2 and 5 (rights to equality and privacy) of the American Declaration of the Rights and Duties of Man).

International Environmental Instruments:

Stockholm Declaration, principle 1.

Transforming our World: The 2030 Agenda for Sustainable Development (2015), Goal 10, Target 10.3 and Goal 16, Target 16.b (calling on States to “[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation,

policies and action in this regard” and to “[p]romote and enforce non-discriminatory laws and policies for sustainable development”).

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 3(9).

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), art. 2(6) (providing that those affected by activities in the Party of origin have the right to participate in relevant environmental impact assessment procedures equivalent to that provided to the public of the Party of origin).

UN Convention on the Law of the Non-Navigational Uses of International Watercourses (International Watercourses Convention), U.N. Doc. A/51/869 (1997), art. 32 (providing that States shall not discriminate on the basis of nationality or residence or place where the injury occurred, when granting access to judicial or other procedures, or a right to claim compensation or other relief in respect of significant harm caused by such activities carried on in its territory).

I.L.C. Draft Articles on the Prevention of Transboundary Harm from Hazardous Activities, U.N. Doc. A/56/10, 146-70 (2001), art. 15 (providing that States shall not discriminate, on the basis of nationality, or residence, or place where the injury might occur, when granting persons who may be or are exposed to the risk of significant transboundary harm as a result of an activity within the scope of the Articles, in accordance with its legal system, access to judicial or other procedures to seek protection or other appropriate redress)

Framework principle 4. States should provide 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, harassment, intimidation and violence.

The most important single statement of the rights of human rights defenders is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

The Special Rapporteurs on the situation of human rights defenders have described in detail the requirements for a safe and enabling environment for human rights defenders, including in these reports:

Report of the Special Rapporteur on the situation of human rights defenders (2013), U.N. Doc. A/HRC/25/55, paras. 54-134.

Report of the Special Rapporteur on the situation of human rights defenders (2011), U.N. Doc. A/66/203, paras. 81-123.

Applications of the obligation to provide a safe and enabling environment for human rights defenders in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 9; res. 31/8, paras. 4(e), 7; res. 34/20, paras. 5(e), 7.

Report of the Special Rapporteur on the situation of human rights defenders (2016), U.N. Doc. A/71/281 (explaining that environmental defenders are human rights defenders and describing the particular threats they face and the obligations of States in relation to them).

Report of the Special Rapporteur on the situation of human rights defenders (2011), U.N. Doc. A/HRC/19/55 paras. 60-92, 123-126 (assessing the specific risks and challenges faced by human rights defenders working on land and environmental issues and providing conclusions and recommendations for such defenders).

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Ecuador, U.N. Doc. E/C.12/ECU/CO/3 (2012), para. 10 (noting its concern with respect to criminal investigations and convictions of social and indigenous leaders who took part in public demonstrations in protest of water management and development projects and recommending, among other things, that the “scope for the applicability of the criminal offences of sabotage and terrorism be clarified and that their application be restricted in the context of public demonstrations”).

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Mexico, U.N. Doc. E/C.12/MEX/CO/4 (2006), para. 10 (noting its concern that the State Party had “forcefully prevented” members of indigenous and local communities “from participating in local assemblies concerning the implementation of” this and other projects under the Plan Puebla-Panama).

Regional Human Rights Bodies:

Inter-American Commission on Human Rights, *Edwin Haroldo Ochoa López and Julio Armando Vásquez Ramírez v. Guatemala*, No. 58/06 (2006) (applying articles 8(1) and 25(1) (rights to fair hearing and remedy) of the American Convention on Human Rights).

Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Ecuador*, OEA/Ser.L/V/II.96 (1997), Doc. 10 rev. 1, Chap. VIII (stating that the “protection of the right to life and physical integrity may best be advanced

through measures to support and enhance the ability of individuals to safeguard and vindicate those rights”).

Inter-American Commission on Human Rights, *Second Report on the Situation of Human Rights Defenders in The Americas*, OEA/Ser.L/V/II (2011), Doc. 66, para. 10 (observing that “defenders play an essential role in ensuring the balance between environmental protection and the development of the countries of the region” and that they are “vital to guaranteeing that every individual’s right to life and right to personal integrity are protected from exposure to contaminating agents that, emanating from a variety of sources, can affect the quality of the air, water, soil and subsoil, and can be inimical to the enjoyment of human rights”).

Inter-American Commission on Human Rights, *Mauricio Meza v. Colombia*, PM 240/09 (2009) (applying articles 4 and 5 (rights to life and physical integrity) of the American Convention on Human Rights).

Inter-American Court on Human Rights, *Kawas-Fernández v. Honduras*, ser. C No. 196 (2009), para. 148 (applying articles 4(1), 8(1) and 25(1) (rights to life, fair hearing and remedy) of the American Convention on Human Rights).

International Environmental Instruments:

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 3(8).

Framework principle 5. States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.

The sources of the obligations to respect and ensure the rights to freedom of expression, association and peaceful assembly include:

Universal Declaration of Human Rights, arts. 19 and 20.

International Covenant on Civil and Political Rights, arts. 19, 21 and 22.

African Charter on Human and Peoples’ Rights, arts. 9-11.

American Convention on Human Rights, arts. 13, 15 and 16.

Arab Charter on Human Rights, arts. 27-28.

ASEAN Human Rights Declaration, arts. 22-24.

European Convention on Human Rights, arts. 10-11.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), arts. 9 and 13.

Applications of the obligations to respect and ensure the rights to freedom of expression, association and peaceful assembly in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 34/20, para. 5(c).

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Ecuador, U.N. Doc. E/C.12/ECU/CO/3 (2012), para. 10 (recommending, among other things, that Ecuador “establish robust safeguards for the rights to freedom of assembly and to participate in peaceful demonstrations and that it regulate the use of force by law enforcement officers in connection with public demonstrations”).

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Mexico, U.N. Doc. E/C.12/MEX/CO/4 (2006), para. 10 (noting its concern that the State Party had “forcefully prevented” members of indigenous and local communities “from participating in local assemblies concerning the implementation of” this and other projects under the Plan Puebla-Panama).

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, U.N. Doc. A/HRC/29/25 (2015), paras. 22 and 41.

Regional Human Rights Bodies:

Inter-American Commission on Human Rights, *Report on the Situation of Human Rights Defenders in the Americas*, Doc. OEA/Ser.L/V/II.124 (2006), Doc. 5, rev. 1, Chap. IV (*Especially Exposed Groups of Defenders*).

Framework principle 6. States should provide for education and public awareness on environmental matters.

The sources of the obligation to provide for public education and awareness include:

Convention on the Rights of the Child, art. 29.

Applications of the obligation to provide for public education and awareness in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 31/8, paras. 4(c) and 5(e); res. 34/20, paras. 5(c) and 6(e).

Committee on the Rights of the Child, *General Comment No. 1: Article 29 (1): The aims of education*, U.N. Doc. CRC/GC/2001/1 (2001), paras. 1 and 13.

Committee on the Rights of the Child, *General Comment No. 11: indigenous children and their rights under the Convention*, U.N. Doc. CRC/C/GC/11 (2009), para. 53 (providing that “states should take all reasonable measures to ensure that indigenous children, families and their communities receive information and education on issues relating to ... environmental sanitation and the dangers of pesticides and herbicides”).

Report of the Committee on the Rights of the Child, Forty-Third Session, U.N. Doc. CRC/C/43/3 (2007), paras. 944-45 (expressing its “concern about environmental health problems of children arising from the pollution and contamination of the environment” and recommending, among other things, that the State Party “increase children’s knowledge of environmental health issues by introducing environmental health education programmes in schools”).

Report of the Committee on the Rights of the Child, Thirty-Fourth Session, 14 January 2004, U.N. Doc. CRC/C/133, paras. 485-86 (recommending that the State Party “intensify awareness-raising campaigns and educational programmes in order to inform children and adults about appropriate behaviours protecting them against risks” from water contamination, sanitation, and air pollution).

Report of the Committee on the Elimination of Discrimination against Women for the Thirtieth & Thirty-first sessions, Consideration of reports of States parties: Bangladesh, U.N. Doc. A/59/38(SUPP) (2004), paras. 259-60 (noting concern over the impacts of arsenic poisoning and recommending that the State Party “launch an awareness campaign and proactive health, nutrition and social programs for affected rural women, their families and the local communities”).

Regional Human Rights Bodies:

European Social Committee, *International Federation for Human Rights (FIDH) v. Greece*, No. 72/2011 (2013) (finding that, with respect to extreme pollution and its negative effects on human health, Greece should have “required the design and implementation of a systematic information and awareness-raising programme for the population concerned” based on article 11 (right to health) of the European Social Charter).

European Social Committee, *Marangopoulos Foundation for Human Rights v. Greece*, No. 30/2005 (2006), para. 203 (based on articles 2, 3, and 11 (rights to just conditions of work, safe and healthy conditions of work, and health) of the European Social Charter, finding that Greece must “inform and educate the public, including pupils and students at school, about both general and local environmental problems”).

International Environmental Instruments:

Convention on Biological Diversity, art. 13.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena Protocol), art. 23(1)(a).

Minamata Convention on Mercury (Minamata Convention), art. 18(1)(b).

Montreal Protocol on Substances that Deplete the Ozone Layer, art. 9(2).

Stockholm Convention on Persistent Organic Pollutants, art. 10(1)(c).

UN Convention to Combat Desertification, art. 19.

UN Framework Convention on Climate Change, art. 6.

Transforming our World: The 2030 Agenda for Sustainable Development (2015), Goal 4, Target 4.7 (calling on States to “ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development” by 2030)

UNEP, *Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters* (2010), Guideline 14.

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 2(3).

UNECE Convention on Long-Range Transboundary Air Pollution (LRTAP Convention), art. 7.

Framework principle 7. States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.

The sources of the obligation to provide public access to information include:

Universal Declaration of Human Rights, art. 19.

International Covenant on Civil and Political Rights, art. 19.

African Charter on Human and Peoples' Rights, art. 9(1).

American Convention on Human Rights, art. 13(1).

See Inter-American Commission on Human Rights, *The Inter-American Legal Framework regarding the Right to Access to Information*, OEA/Ser.L/V/II. CIDH/RELE/INF. 9/12 (2011)

ASEAN Human Rights Declaration, art. 23.

Applications of the obligation to provide public access to information in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 4; res. 31/8, para. 4(b); res. 34/20, para. 5(b).

Committee on Economic, Social and Cultural Rights, *General Comment No. 15, The Right to Water* (2000), para. 48.

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, U.N. Doc. A/HRC/30/40 (2015).

Regional Human Rights Bodies:

African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre v. Nigeria*, No. 155/96 (2001) (based on articles 2, 4, 14, 16, 18(1), 21 and 24 (rights to life, health and property, among others) of the African Charter on Human and Peoples' Rights).

European Court of Human Rights, *Budayeva v. Russia*, No. 15339/02 (2008), para. 132 (based on article 2 (right to life) of the European Convention on Human Rights).

European Court of Human Rights, *Öneryildiz v. Turkey*, No. 48939/99 (2004), paras. 75, 90, 98 and 108 (based on articles 2, 8 and 13 (rights to life, privacy, and effective remedy) of the European Convention on Human Rights).

European Court of Human Rights, *Taşkin v. Turkey*, No. 46117/99 (2004), pp. 118-19 and 126 (based on articles 6 and 8 (rights to fair hearing and privacy) of the European Convention of Human Rights).

Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Ecuador*, OEA/Ser.L/V/II.96 (1997), Doc. 10, Chap. VIII (recommending that the “State take measures to improve systems to disseminate information about the issues which affect them, and to enhance the transparency of and opportunities for public input into processes affecting the inhabitants of development sectors”).

Inter-American Court of Human Rights, *Claude-Reyes et al. v. Chile*, ser. C, No. 151 (2006), para. 76 (based on articles 13 and 25 (rights to freedom of expression and remedy) of the American Convention on Human Rights).

Inter-American Court of Human Rights, *Saramaka People v. Suriname*, ser. C, No. 185 (2008), para. 17 (recognizing that the “State has a duty, from the onset of the proposed activity, to actively consult with the Saramaka people in good faith and with the objective of reaching an agreement, which in turn requires the State to both accept and disseminate information in an understandable and publicly accessible format”, based on articles 21 and 25 (rights to property and remedy) of the American Convention on Human Rights).

International Environmental Instruments:

Minamata Convention on Mercury, arts. 4(6) and 18.

Montreal Protocol on Substances that Deplete the Ozone Layer, art. 9(2).

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, arts. 14(1)(b) and 15(2).

Stockholm Convention on Persistent Organic Pollutants, art. 10(1)(b).

UN Convention to Combat Desertification, art. 16.

UN Framework Convention on Climate Change, art. 6(a)(ii).

Rio Declaration on Environment and Development, principle 10.

Transforming our World: The 2030 Agenda for Sustainable Development (2015), Goal 16, Target 16.10 (calling on States to “[e]nsure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”).

UNEP, *Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters* (2010), Guidelines 1-7.

UN Environment, *Putting Rio Principle 10 into Action: An Implementation Guide for the UNEP Bali Guidelines* (2015).

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 5.

Framework Principle 8. To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should provide for the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.

Statements of the obligation to provide for the assessment of possible impacts of proposed projects and policies in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 4.

Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (2003), para. 28 (stating that State Parties should establish mechanisms for “assessing the impacts of actions that may impinge upon water availability and natural-ecosystems watersheds, such as climate changes, desertification, and increased soil salinity, deforestation and loss of biodiversity”).

Committee on Economic, Social and Cultural Rights, *Statement in the context of the Rio+20 Conference on “the green economy in the context of sustainable development and poverty eradication,”* U.N. Doc. E/C.12/2012/1 (2012), para. 5.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventy-second and Seventy-third sessions, Consideration of Reports, Comments and Information Submitted by States Parties: Ecuador, U.N. Doc. A/63/18 (2008), para. 143.

Report of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, U.N. Doc. A/HRC/15/31 (2010), para. 45.

Report of the Special Rapporteur on the human right to safe drinking water and sanitation, U.N. Doc. A/68/264 (2013), paras. 73-74.

Report of the Special Rapporteur on the situation of human rights defenders to the sixty-eighth session of the General Assembly, U.N. Doc. A/68/262, para. 43.

Regional Human Rights Bodies:

European Court of Human Rights, *Giacomelli v. Italy*, No. 59909/00 (2006), para. 94 (based on article 8 (right to privacy) of the European Convention on Human Rights).

European Court of Human Rights, *Öneryildiz v. Turkey*, No. 48939/99 (2004), para. 53 (based on articles 2, 8 and 13 (rights to life, privacy, and effective remedy) of the European Convention on Human Rights).

European Court of Human Rights, *Taşkin v. Turkey*, No. 46117/99 (2006), para. 118 (based on article 8 (right to privacy) of the European Convention of Human Rights).

Inter-American Commission on Human Rights, *San Mateo Huanchor v. Peru*, No. 504/03 (2004), para. 12 (based on articles 4, 5, 8, 17, 19, 21, 25, and 26 (rights to life, property, fair trial and remedy, among others) of the American Convention on Human Rights).

Inter-American Court of Human Rights, *Saramaka People v. Suriname*, ser. C, No. 172 (2007), para. 129 (based on articles 21 and 25 (rights to property and remedy) of the American Convention on Human Rights).

International Environmental Instruments:

Convention on Biological Diversity, art. 14.

Montreal Protocol on Substances that Deplete the Ozone Layer, art. 9.

UN Convention on the Law of the Sea, art. 244.

UN Convention to Combat Desertification, arts. 5(d) and 10(f).

Rio Declaration on Environment and Development, principle 17.

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 6.

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

See World Bank, Operational Policy 4.01: Environmental Assessment (1999).

Framework principle 9. States should provide for and facilitate public participation in decision-making related to the environment, taking the views of the public into account in the decision-making process.

The sources of the obligation to provide for and facilitate public participation in decision-making include:

Universal Declaration of Human Rights, art. 21.

International Covenant on Civil and Political Rights, art. 25.

American Convention on Human Rights, art. 23.

Arab Charter on Human Rights, art. 19.

ASEAN Human Rights Declaration, arts. 25(1) and 35.

Applications of the obligation to provide for and facilitate public participation in decision-making related to the environment include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 4; res. 31/8, paras. 4(b) and (c); res. 34/20, paras. 5(b) and (c).

Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (2003), paras. 48 and 56.

Human Rights Committee, *General Comment No. 23: The rights of minorities* (1994), para. 7.

Report of the Special Rapporteur on extreme poverty and human rights (2013), U.N. Doc. A/HRC/23/36, paras. 80 and 86.

Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (2008), U.N. Doc. A/HRC/7/21, paras. 44 and 51.

Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2007), U.N. Doc. A/62/214, paras. 25 and 85.

Report of the Special Rapporteur on the right to education (2008), U.N. Doc. A/HRC/8/10, para. 146

Report of the Special Rapporteur on the situation of human rights defenders (2013), U.N. Doc. A/68/262, paras. 39 and 46

Regional Human Rights Bodies:

European Court of Human Rights, *Guerra v. Italy*, No. 14967/89 (1998), para. 60 (based on article 8 (right to privacy) of the European Convention on Human Rights).

Inter-American Court of Human Rights, *Saramaka People v. Suriname*, (ser. C) No. 172 (2007) (based on articles 21 and 25 (rights to property and remedy) of the American Convention on Human Rights).

International Environmental Instruments:

Convention on Biological Diversity, art. 14(1)(a).

Stockholm Convention on Persistent Organic Pollutants, art. 10(1)(d).

UN Convention to Combat Desertification, art. 3(a).

UN Framework Convention on Climate Change, art. 6(a)(iii).

Rio Declaration on Environment and Development, principle 10.

The Future We Want: Outcome document of the United Nations Conference on Sustainable Development, U.N. Doc. A/CONF.216/16, para. 13.

UNEP, *Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters* (2010), Guidelines 8-14.

UN Environment, *Putting Rio Principle 10 into Action: An Implementation Guide for the UNEP Bali Guidelines* (2015).

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), arts. 6-8.

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), art. 2.

Framework Principle 10. States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment.

The sources of the obligation to provide for access to effective remedies include:

Universal Declaration of Human Rights, art. 8.

International Covenant on Civil and Political Rights, art. 2(3).

American Convention on Human Rights, art. 25.

Arab Charter on Human Rights, art. 9.

ASEAN Human Rights Declaration, art. 5.

European Convention on Human Rights, art. 13.

Applications of the obligation to provide for access to effective remedies in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 31/8, paras. 4(b) and (f); res. 34/20, paras. 5(b) and (f)
Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The right to food* (1999), para. 32.

Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (2003), para. 55.

Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Mexico* (2006), U.N. Doc. E/C.12/MEX/CO/4, para. 28.

Report of the Special Rapporteur on the situation of human rights defenders (2013), U.N. Doc. A/68/262, para. 70.

Regional Human Rights Bodies:

Court of Justice of the Economic Community of West African States, *Socio-Economic Rights and Accountability Project (SERAP) v. Nigeria*, No. ECW/CCJ/JUD/18/12 (2012), para. 97 (based on rights to health, adequate standard of living and rights to

economic and social development of the African Charter on Human and Peoples' Rights, ICESCR and ICCPR).

Inter-American Commission on Human Rights, *Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia* (2007), OEA/Ser.L/V/II, para. 416.

Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Ecuador* (1997), Doc. OEA/Ser.L/V/II.96, Doc. 10, rev. 1, chap. VIII.

European Court of Human Rights, *Taşkin v. Turkey*, No. 46117/99 (2004), para. 119 (based on articles 6 and 8 (rights to fair hearing and privacy) of the European Convention of Human Rights).

International Environmental Instruments:

UN Convention on the Law of the Sea, art. 235.

Rio Declaration on Environment and Development, principle 10.

UNEP, *Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters* (2010), Guidelines 15-17.

UN Environment, *Putting Rio Principle 10 into Action: An Implementation Guide for the UNEP Bali Guidelines* (2015).

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), art. 9(4).

Framework Principle 11. States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.

The sources of the obligation to establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights include:

International Covenant on Civil and Political Rights, art. 2(1).

See Human Rights Committee, *General Comment No. 6: The Right to Life* (1982) (noting that the right to life should not be interpreted narrowly or in a restrictive manner and that States must adopt positive measures in order to protect the right to life).

International Covenant on Economic, Social and Cultural Rights, art. 2(2).

Applications of the obligation to establish and maintain substantive standards in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 4; res. 31/8, paras. 4(b) and 5(a); res. 34/20, paras. 5(g) and 6(a).

Committee on Economic, Social and Cultural Rights, *General Comment No. 3: The nature of States parties' obligations* (1990), para. 9.

Committee on Economic, Social and Cultural Rights, *General Comment No. 15* (2002), paras. 8 and 19 (noting that States must take measures on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions).

Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights* (2009), para. 7.

Committee on the Rights of the Child, *General Comment No. 16: State obligations regarding the impact of the business sector on children's rights*, U.N. Doc. CRC/C/GC/16 (2013), paras. 29 and 49.

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Paraguay, 4 January 2008, U.N. Doc. E/C.12/PRY/CO/3, para. 27.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventy-fourth and Seventy-fifth sessions, Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedures, U.N. Doc. A/64/18 (2009), para. 21.

Report of the Committee on the Rights of the Child, Twenty-Fifth Session, U.N. Doc. CRC/C/100 (2000), para. 582.

Report of the Special Rapporteur on extreme poverty and human rights, U.N. Doc. A/HRC/23/36 (2013), para. 80.

Regional Human Rights Bodies:

African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre v. Nigeria*, No. 155/96 (2001) (based on articles 2, 4, 14, 16, 18(1), 21 and 24 (rights to life, health and property, among others) of the African Charter on Human and Peoples' Rights).

European Social Committee, *European Roma Rights Centre (ERRC) v. Bulgaria*, Complaint No. 46/2007 (2008), para. 47 (based on Articles 11(1)-(3) and E of the European Social Charter (Revised); failure to strike a reasonable balance between the interests of persons living in the lignite mining areas and the general interests).

European Committee of Social Rights, *International Federation for Human Rights (FIDH) v. Greece*, No. 72/2011 (2013), paras. 42-44, 148 (based on article 11 (right to health) of the European Social Charter).

European Social Committee, *Marangopoulos Foundation for Human Rights v. Greece*, Complaint No. 30/2005 (2006), para. 221 (based on articles 2, 3, and 11 (rights to just conditions of work, safe and healthy conditions of work, and health) of the European Social Charter; failure to take non-discriminatory and reasonable measures).

European Court of Human Rights, *Fägerskiöld v. Sweden*, No. 37664/04 (2008) (based on article 8 (right to privacy) of the European Convention of Human Rights).

European Court of Human Rights, *Hatton v. United Kingdom*, No. 360022/97 (2003), para. 98.

European Court of Human Rights, *Öneryildiz v. Turkey*, No. 48939/99 (2004) (based on articles 2, 8 and 13 (rights to life, privacy, and effective remedy) of the European Convention on Human Rights).

European Court of Human Rights, *Taşkin v. Turkey*, No. 46117/99 (2004) (based on articles 6 and 8 (rights to fair hearing and privacy) of the European Convention of Human Rights).

International Environmental Instruments:

Rio Declaration on Environment and Development, principles 11 and 15.

UN Convention on the Law of the Sea, Part XII, section 5.

North American Agreement on Environmental Cooperation, art. 3.

Framework Principle 12. States should ensure the effective enforcement of their environmental standards against public and private actors.

The sources of the obligation to ensure the effective enforcement of standards against public and private actors include:

International Covenant on Civil and Political Rights, art. 2(1).

See Human Rights Committee, *General Comment No. 6: The Right to Life* (1982) (noting that the right to life should not be interpreted narrowly or in a restrictive manner and that States must adopt positive measures in order to protect the right to life).

International Covenant on Economic, Social and Cultural Rights, art. 2(2).

Applications of the obligation to ensure the effective enforcement of standards against public and private actors include:

UN/Global Human Rights Bodies:

Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (2003), paras. 23 and 44(b).

Committee on the Rights of the Child, *General Comment No. 16: State obligations regarding the impact of the business sector on children's rights*, U.N. Doc. CRC/C/GC/16 (2013), para. 61.

Committee on Economic, Social and Cultural Rights, *Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights* (2011), U.N. Doc. E/C.12/2011/1, para. 1.

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Kazakhstan, U.N. Doc. E/C.12/KAZ/CO/1 (2010), para. 35.

Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (2007), U.N. Doc. A/HRC/4/35, para. 18.

Regional Human Rights Bodies:

African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre v. Nigeria*, No. 155/96 (2001), paras. 57 and 58 (based on articles 2, 4, 14, 16, 18(1), 21 and 24 (rights to life, health and property, among others) of the African Charter on Human and Peoples' Rights).

Court of Justice of the Economic Community of West African States, *Socio-Economic Rights and Accountability Project (SERAP) v. Nigeria*, No. ECW/CCJ/JUD/18/12 (2012), para. 95 (based on rights to health, adequate standard of living and rights to economic and social development of the African Charter on Human and Peoples' Rights, ICESCR and ICCPR).

European Social Committee, *Marangopoulos Foundation for Human Rights v. Greece*, Complaint No. 30/2005 (2006), para. 203 (based on articles 2, 3, and 11 (rights to just conditions of work, safe and healthy conditions of work, and health) of the European Social Charter).

European Court of Human Rights, *Giacomelli v. Italy*, No. 59909/00 (2006), para. 93 (based on article 8 (right to privacy) of the European Convention on Human Rights).

European Court of Human Rights, *Hatton v. United Kingdom*, No. 360022/97 (2003), para. 98 (based on articles 8 and 13 (rights to privacy and effective remedy) of the European Convention on Human Rights).

European Court of Human Rights, *Lopez Ostra v. Spain*, No. 16798/90 (1994), para. 51 (based on articles 3 and 8 (rights to humane treatment and privacy) of the American Convention on Human Rights).

European Court of Human Rights, *Moreno Gómez v. Spain*, No. 4143/02 (2005), para. 61 (based on article 8 (right to privacy) of the European Convention of Human Rights).

Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples' Rights over Their Ancestral Lands and Natural Resources, Norms and Jurisprudence of the Inter-American Human Rights System*, Doc. OEA/Ser.L/V/II. Doc. 56/09 (2009), para. 203.

Inter-American Commission on Human Rights, *Second report on the situation of human rights defenders in the Americas* (2011), OEA/Ser.L/V/II, Doc. 66, paras. 314-15.

International Environmental Instruments:

North American Agreement on Environmental Cooperation, art. 5.

Framework Principle 13. States should cooperate with each other to establish, maintain and enforce effective international normative frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.

The sources of the obligation to cooperate to establish, maintain and enforce international normative frameworks to prevent transboundary and global harm that interferes with the full enjoyment of human rights include:

Charter of the United Nations, arts. 55-56.

International Covenant on Economic, Social and Cultural Rights, art. 2(1).

See *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion, 1951 I.C.J. 15, p. 23.

Applications of the obligation to cooperate in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 16/11, pmbl. para. 16; res. 26/27, pmbl. para. 11 and para. 5; res. 29/15, pmbl. para. 5; res. 32/33 (2016), pmbl. para. 7 and para. 3.

Committee on Economic, Social and Cultural Rights, *General Comment No. 12*, U.N. Doc. E/C.12/1999/5 (1999), para. 38.

Committee on Economic, Social and Cultural Rights, *General Comment No. 14*, U.N. Doc. E/C.12/2000/4 (2000), para. 39.

Committee on Economic, Social and Cultural Rights, *General Comment No. 15*, U.N. Doc. E/C.12/GC/21 (2009), paras. 31 and 33.

Committee on the Rights of the Child, *General Comment No. 15*, U.N. Doc. CRC/C/GC/15 (2013), para. 5.

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Kazakhstan, U.N. Doc. E/C.12/KAZ/CO/1 (2010), para. 35.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventieth and Seventy-first sessions, Consideration of Reports, Comments and Information Submitted by States Parties: Canada, U.N. Doc. A/62/18 (2007), para. 78.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventy-second and Seventy-third sessions, Consideration of Reports, Comments and Information Submitted by States Parties: United States, U.N. Doc. A/63/18 (2008), paras. 500-01.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventy-eighth and Seventy-ninth sessions, Consideration of Reports, Comments and Information Submitted by States Parties: Norway, U.N. Doc. A/66/18 (2012), para. 17.

Report of the Committee on the Convention on the Elimination of All Forms of Racial Discrimination for the Seventy-eighth and Seventy-ninth sessions, Consideration of Reports, Comments and Information Submitted by States Parties: United Kingdom, U.N. Doc. A/66/18 (2012), para. 59.

Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, U.N. Doc. A/HRC/10/61 (2009), paras. 16-64.

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, U.N. Doc. A/64/25 (2009), paras. 39 and 72.

Report of the Special Rapporteur on the human rights of internally displaced persons, Addendum, Mission to Kenya, U.N. Doc. A/HRC/19/54/Add. 2 (2002), para. 67.

Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2016), U.N. Doc. A/HRC/31/52, paras. 23-32 and 76-77.

Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2017), U.N. Doc. A/HRC/34/49, paras. 5, 39, 40 and 48.

Regional Human Rights Bodies:

African Commission on Human and Peoples' Rights, Resolution 153 on Climate Change and Human Rights and the Need to Study its Impact in Africa (2009).

International Environmental Instruments:

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

Convention on Biological Diversity.

Convention on International Trade in Endangered Species of Wild Fauna and Flora.

International Convention for the Prevention of Pollution from Ships.

Minamata Convention on Mercury.

Ramsar Convention on Wetlands.

Rio Declaration on Environment and Development, principle 7.

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

Stockholm Convention on Persistent Organic Pollutants.

UN Convention on the Law of the Sea.

UN Convention to Combat Desertification.

UN Framework Convention on Climate Change and the Paris Agreement on Climate Change.

Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

Framework Principle 14. States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.

The sources of the obligation to take measures to protect the human rights of those who are most vulnerable to, or at particular risk, include:

International Covenant on Civil and Political Rights, art. 27.

See Human Rights Committee, *General Comment No. 23 on the rights of minorities* (1994), U.N. Doc. CCPR/C/21/Rev.1/Add.5, para. 7.

International Covenant on Economic, Social and Cultural Rights, art. 15.

See Committee on Economic, Social and Cultural Rights, *General Comment No. 21: Right of everyone to take part in cultural life* (2009), U.N. Doc. E/C.12/GC/21, para. 50(b).

Convention on the Elimination of All Forms of Discrimination Against Women.

Convention on the Rights of the Child.

Convention on the Rights of Persons with Disabilities.

ILO Convention No 169, art. 15(2).

International Convention on the Elimination of All Forms of Racial Discrimination.

UN Declaration on the Rights of Indigenous Peoples, arts. 20(2) and 32(3).

Applications of the obligation to take measures to protect the human rights of those who are most vulnerable to, or at particular risk, in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Council res. 25/21, para. 6; res. 25/21, paras. 5(g)-(h); res. 25/21, paras. 2, 3 and 10; res. 34/20, paras. 6(g)-(h).

Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education* (1999).

Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health* (2000).

Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (2003).

Committee on Economic, Social and Cultural Rights, *General Comment No. 18: The Right to Work* (2006).

Committee on the Rights of the Child, *General Comment No. 9: The rights of children with disabilities* (2007), para. 54.

Committee on the Rights of the Child, *General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration* (2013), paras. 19-20.

Committee on the Rights of the Child, *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health* (2013), paras. 49-50.

Committee on the Elimination of Discrimination against Women, *General Recommendation No. 27 on older women and protection of their human rights* (2010), para. 25.

Committee on the Elimination of Discrimination against Women, *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women* (2010), paras. 2 and 5.

Committee on the Elimination of Discrimination against Women, *General Recommendation No. 34 on the rights of rural women* (2016), para. 12.

Committee on the Elimination of Racial Discrimination, *General Recommendation No. 23 on the rights of indigenous peoples* (1997), U.N. Doc. A/HRC/15/37, para. 5.

Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Mongolia* (2008), U.N. Doc. CEDAW/C/MNG/CO/7, para. 36.

Committee on the Elimination of Discrimination against Women, *Statement of the Committee on the Elimination of Discrimination against Women on Rural Women* (2011), p. 4.

Committee on the Elimination of Discrimination against Women, *Statement of the Committee on the Elimination of Discrimination against Women on gender and climate change* (2009), p. 1.

Report of the Committee on the Rights of the Child, Twenty-Fourth Session (2000), U.N. Doc. CRC/C/97, para. 195-96.

Report of the Committee on the Rights of the Child, Twenty-Fifth Session (2000), U.N. Doc. CRC/C/100, para. 582-83.

Report of the Committee on the Rights of the Child, Forty-Second Session (2006), U.N. Doc. CRC/C/42/3, paras. 669-70.

Report of the Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste (2012), U.N. Doc. A/HRC/21/48, para. 33.

Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (2010), para. 75.

Report of the Special Rapporteur on the situation of human rights defenders (2013), U.N. Doc. A/68/262, para. 39.

OHCHR and APF, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions* (2013).

Regional Human Rights Bodies:

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), arts. 18 and 19.

African Commission on Human and Peoples' Rights, Resolution 153 on Climate Change and Human Rights and the Need to Study its Impact in Africa (2009).

International Environmental Instruments:

Minamata Convention on Mercury, arts. 16(1)(a), 18(1)(b), 19(1)(c).

Stockholm Convention on Persistent Organic Pollutants, art. 10(1)(c).

UN Convention to Combat Desertification, art. 19(3)(e).

Transforming our World: The 2030 Agenda for Sustainable Development (2015), para. 23.

Organization for Security and Co-operation in Europe, *Gender and Environment* (2009).

WHO, *Children's Health and the Environment: A global perspective, a resource manual for the health sector* (2005).

WHO, *World Report on Disability* (2011), p. 4.

WHO Europe, *Environment and Health Risks: A review of the influence and effects of social inequalities* (2010), p. 8.

Framework Principle 15. States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by:

(a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used;

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

(c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources;

(d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

The sources of the obligations to indigenous peoples and members of traditional communities include:

United Nations Declaration on the Rights of Indigenous Peoples.

ILO Convention No. 169.

International Covenant on Civil and Political Rights, art. 27.

See Human Rights Committee, *General Comment No. 23 on the rights of minorities* (1994), U.N. Doc. CCPR/C/21/Rev.1/Add.5, para. 7.

International Covenant on Economic, Social and Cultural Rights, art. 15.

See Committee on Economic, Social and Cultural Rights, *General Comment No. 21: Right of everyone to take part in cultural life* (2009), U.N. Doc. E/C.12/GC/21, para. 37.

Applications of the obligation to ensure that States comply with their obligations to indigenous peoples and members of traditional communities in the environmental context include:

UN/Global Human Rights Bodies:

Human Rights Committee, *Ilmari Lansman v. Finland*, Communication No. 511/92, U.N. Doc. CCPR/C/52/D/511/1992 (1994), para. 9.4.

Human Rights Committee, *Poma Poma v. Peru*, Communication No. 1457/2006, U.N. Doc. CCPR/C/95/D/1457/2006 (2009), paras. 7.3-7.6.

Committee on the Elimination of Racial Discrimination, *General Recommendation No. 23 on the rights of indigenous peoples* (1997), U.N. Doc. A/HRC/15/37, para. 5.

Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Mexico* (2006), U.N. Doc. E/C.12/MEX/CO/4, para. 28.

Committee on the Elimination of Racial Discrimination, *Concluding observations on the first to third periodic reports of Thailand* (2012), U.N. Doc. CERD/C/THA/CO/1-3, para. 16.

Progress report on the study on indigenous peoples and the right to participate in decision-making, UN Doc. A/HRC/15/35 (2010).

Report of the Special Rapporteur on the rights of indigenous peoples on Extractive Industries and Indigenous Peoples, U.N. Doc. A/HRC/24/41 (2013).

Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly, U.N. Doc. A/66/288 (2011), para. 90.

Report of the Special Rapporteur on the rights of indigenous peoples to the Human Rights Council, U.N. Doc. A/HRC/15/37 (2010).

Regional Human Rights Bodies:

African Commission for Human and Peoples' Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of the Endorois Welfare Council v. Kenya*, No. 276/2003 (2009) (based on articles 8, 14, 17, 21 and 22 (rights to property, culture and freedom to dispose natural resources, among other) of the African Charter on Human and Peoples' Rights).

Inter-American Court of Human Rights, *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, ser. C No. 79 (2001) (based on articles 21 and 25 (rights to property and remedy) of the American Convention on Human Rights).

Inter-American Court of Human Rights, *Saramaka People v. Suriname*, ser. C No. 172 (2007) (based on articles 21 and 25 (rights to property and remedy) of the American Convention on Human Rights).

Inter-American Court of Human Rights, *Yakye Axa Indigenous Community v. Paraguay*, ser. C No. 125 (2005) (based on articles 4, 8, 21 and 25 (rights to life, fair trial, property and remedy) of the American Convention on Human Rights).

International Environmental Instruments:

Convention on Biological Diversity, art. 8(j).

Minamata Convention on Mercury, pmb. para. 6.

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, arts. 5(5) and 7.

Stockholm Convention on Persistent Organic Pollutants, pmbl. para. 3.

UN Convention to Combat Desertification, art. 16(g).

Framework Principle 16. States should respect, protect and fulfil human rights in the actions they take to address environmental challenges and pursue sustainable development.

Applications of the obligation to respect, protect and fulfil human rights in actions States take to address environmental challenges and pursue sustainable development include:

UN/Global Human Rights Bodies:

Human Rights Council res. 18/22, pmbl. para. 16; res. 25/21, res. 28/11, para. 5(b); para. 10; res. 31/8, paras. 4(a) and (g); res. 32/33, pmbl. para. 17; res. 34/20, para. 5(a) and (h).

Report of the Special Rapporteur on the rights of indigenous peoples (2016), U.N. Doc. A/71/229.

Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, U.N. Doc. E/CN.4/2006/42 (2006), paras. 37 and 44.

Regional Human Rights Bodies:

African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre v. Nigeria*, No. 155/96 (2001) (based on articles 2, 4, 14, 16, 18(1), 21 and 24 (rights to life, health and property, among others) of the African Charter on Human and Peoples' Rights).

African Court of Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Kenya*, Application No. 006/2012 (2017) (based on article 4 (right to life) of the African Charter on Human and Peoples' Rights).

Inter-American Court of Human Rights, *Kaliña and Lokono Peoples v. Suriname*, ser. C No. 309 (2015) (based on articles 3, 21, 23 and 25 (rights to property and remedy, among others) of the American Convention on Human Rights).

International Environmental Instruments:

Paris Agreement on Climate Change, pmb. para. 11.

Cancun Agreements, Decision. 1/CP.16 of the United Nations Framework Convention on Climate Change, para. 8.

The Future We Want: Outcome document of the United Nations Conference on Sustainable Development, U.N. Doc. A/CONF.216/16, para. 13.

Adaptation Fund, *Environmental and Social Policy* (2013), para. 15.

UNDP, *Social and Environmental Standards* (2014), p. 9.