

CALL FOR INPUTS

THE RIGHT TO A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT: TOXIC-FREE PLACES TO LIVE, WORK, STUDY AND PLAY

SUBMISSION OF THE GOVERNMENT OF BRAZIL

1. The right to a balanced environment is enshrined in article 225 of the Constitution of the Federative Republic of Brazil, which states that “everyone has the right to an ecologically balanced environment, a good for common use by the people, which is essential to a healthy quality of life. Public authorities and the collectivity have the duty to defend it and preserve it for present and future generations”.

2. In addition to the national legislative framework, the National Guidelines on Business and Human Rights, established by Decree No. 9571/2018, provide a broad and general framework to guide actions of the State and of companies in the promotion of and respect for human rights, as well as in remedial actions in cases of violations of rights in the corporate world. The National Guidelines use as reference the United Nations Guiding Principles on Business and Human Rights; the Organization for Cooperation and Development Economic Guidelines on Multinational Companies; and the Tripartite Declaration of Principles on Multinational Companies and Social Policy of the International Labor Organization.

3. The Ministry of Women, Family and Human Rights (MMFDH), under the initiative “Business and Human Rights”, has been working in the consolidation of the National Business and Human Rights Policy since the publication of Decree No. 9,571/2018. Article 12 of Decree No. 9571/2018 assigns specific competences for companies regarding environmental sustainability:

Art. 12. Companies should adopt initiatives aimed at the environmental sustainability, such as:

I - be aware of environmental aspects and impacts caused by their activities, products and services;

II - develop programs with objectives, goals and necessary control actions, linked to the Sustainable Development Goals of the United Nations, which are able to prevent damage;

III - cause less impact on natural resources such as flora, fauna, air, soil and water, and use material resources in a sustainable way;

IV - disclose the information referred to in item I in a transparent way, especially for directly impacted groups;

V - use goods and services that do not generate waste, pollution or contamination or that generate the slightest possible amount of waste and effluents;

VI - establish a solid waste management program that is socially inclusive and participatory, aimed at non-generation, reduction, reuse, recycling, treatment and final disposition;

VII - consider the replacement of materials that generate aggressive waste by materials that are more environmentally friendly;

VIII - adopt measures to render operations more efficient in order to reduce greenhouse gas emissions and to contribute to the fight against climate change;

IX - prioritize clean energy sources and control and reduce electricity consumption;

X - prioritize materials, technologies and raw bio-sustainable materials of local origin;

XI - use recyclable products or products that have a greater lifespan and are lower in maintenance cost or in the cost of the construction;

XII - respect the singularities of each territory and the potential of sustainable use of local and regional resources; and

XIII - encourage suppliers, workers and employees to establish permanent dialogue with local communities based on a common positive agenda, aimed at local sustainable development.

4. Brazil is thus committed to promote and implement the United Nations Guiding Principles on Business and Rights Humans by establishing corporate responsibility: i) due to the environmental impacts caused by activities, products and services of companies; ii) by prioritizing clean energy sources as well as control and reduction of the use of electricity; iii) by the use of goods and services that do not generate waste, pollution or contamination or that generate the least amount of waste and of effluent

possible; and iv) by the respect of singularities of each territory and the potential of sustainable use of local and regional resources, with a view to ensuring the ecologically healthy management of toxic chemical substances in accordance with the concept of sustainable development and to improving the quality of life of the Brazilian population.

5. The publication of the aforementioned Decree reinforces the Brazilian commitment to implement the national principles at the national level and, consequently, to develop the national policy for companies and human rights, including necessary measures for the promotion of toxic-free environments. In this regard, it is important to note the efforts made at national level to induce the potential of companies to take measures and adopt conducts that promote the respect and non-violation of human rights in all production chains, especially through the implementation of due diligence in companies and corporations, linking the perspective of economic growth to social development.

6. It is worth mentioning the interministerial coordination between the MMFDH, the Ministry of the Environment, the Ministry of Mines and Energy and the Ministry of Economy, as well as with the involvement of non-governmental partners, to build a National Action Plan on Business and Rights Humans, under the coordination of the MMFDH.

7. Furthermore, the National Plan of Action on Business and Human Rights, to be launched in December 2022, as part of the Global Action Plan of the Ministry of Women, Family and Human Rights, aims to comply with recommendations of international organizations, such as those of the United Nations High Commissioner for Human Rights and those from the Universal Periodic Review, embodied on the relevance of articulation and multi-stakeholder dialogue. The initiative also aims to enable the implementation of the United Nations Guiding Principles on Business and Human Rights, the National Guidelines on Business and Human Rights (Decree No. 9571/2018) and compliance with the Resolution No. 5/2020 of the National Human Rights Council.

8. Furthermore, it should be noted that, within the scope of the National Investment Committee, there is a plan of action being prepared on Responsible Business Conduct to be finalized in August 2022. This document uses the OECD Guidelines for Multinational Companies as reference. One of titles of these Guidelines intends to guide companies on human rights issues in line with the recommendations of the United Nations Guiding Principles on Business and Human Rights. In this context, there are efforts in the government of institutional alignment so that discussions regarding the Action Plan on Responsible Business Conduct proceed in

parallel with those of the construction of the National Action Plan on Human Rights and Business.