

HUMAN RIGHTS AND THE ENVIRONMENT:

CONSULTATION ON THE RELATION BETWEEN ENVIRONMENTAL PROTECTION AND HUMAN RIGHTS OBLIGATIONS

Thursday, 24 October, 2013, 9:00-14:00

Location: Moltkes Palace, Dronningens Tværgade 2, Copenhagen (Room TBA)

Convened by the United Nations Independent Expert on human rights and the environment with the Office of the High Commissioner for Human Rights, in collaboration with the Danish Institute of Human Rights and the Asia-Europe Foundation

1. Background

The Independent Expert on human rights and the environment is mandated by the Human Rights Council (Resolution 19/10) to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and to identify and promote best practices on the use of human rights obligations and commitments to inform, support and strengthen environmental policy making.

To inform his mandated work, the Independent Expert, in collaboration with UNEP and OHCHR, is holding a series of consultations, each of which addresses a particular set of thematic issues. This process began with a consultation in Nairobi on 22-23 February 2013 that focused on procedural rights and duties, followed by a consultation in Geneva on 21-22 June on the relationship between environmental protection and substantive rights and duties, and a consultation in Panama City on 26-27 July on environmental protection and the human rights obligations related to members of groups in vulnerable situations.

This consultation builds on the previous consultations by continuing to examine the relationship between human rights obligations and environmental protection, with a focus on how international institutions and mechanisms can integrate human rights with environmental protection, and on how international institutions can support such integration at the domestic level.

One important avenue for this integration is the ongoing discussion within the United Nations over the development of new Sustainable Development Goals. The development of these Goals provides a critical opportunity to ensure that policies and measures that advance sustainable development, including in the area of environmental protection, are firmly grounded in human rights. To this end, the UN Human Rights Council has instructed the Independent Expert to “contribute a human rights perspective to follow-up processes” to Rio+20.

Other important areas of integration of human rights and the environment include incorporating environmental concerns into the work of international human rights bodies and, conversely, incorporating human rights perspectives into the work of international environmental institutions. For example, UN and regional human rights mechanisms are increasingly turning their attention to environmental issues. Many Special Rapporteurs appointed by the Human Rights Council (HRC) have addressed environmental concerns within the scope of their mandates, including the mandates on toxic waste, poverty reduction, human rights defenders, food, water, indigenous peoples, minority

rights, housing, and health. Global and regional human rights treaties typically have review mechanisms that allow for the opportunity to raise environmental issues. They are gradually developing an “environmental human rights” jurisprudence, although this process is far more advanced in some areas, such as Europe, than in others.

At the same time, the UN Environment Programme has paid increasing attention to human rights, including through holding joint consultations with the Independent Expert on Human Rights and the Environment in order to identify best practices in the use of a rights-based approach to environmental protection and management. And human rights are increasingly raised in the development and implementation of multilateral environmental agreements, although with mixed results.

This consultation will review these burgeoning trends, with a particular focus on assessing how international integration of human rights and the environment can support national governments and civil society in their own efforts to integrate human rights and the environment and, more generally, to pursue sustainable development. To that end, the consultation will seek to identify challenges and gaps, and highlight actual and potential best practices.

2. Outputs

This consultation will inform the work of the Independent Expert in studying human rights obligations and good practices in their use, and in particular the Independent Expert’s next report to the Human Rights Council to be presented in March 2014.

Good practices as well as challenges and lessons learned identified during the consultation will also be compiled as part of the joint UNEP/OHCHR/Independent Expert good practice project.

The consultation will also provide an opportunity for the human rights and the environment communities to meet and exchange experiences, which in turn will lead to strengthened capacities to further promote synergies between human right and the environment.

3. Participants

The consultation will gather approximately 25 participants with mixed backgrounds. The goal of the consultation is to have a high-level discussion of the issues.

4. Format

As the attached programme indicates, the consultation will consist of two substantive sessions. The format will be a moderated discussion.

PROGRAMME

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- 8:45-9:00 **Registration, coffee and tea**
- 9:00-9:30 **Introduction and Overview**
- Introduction of participants
 - Objectives of the expert consultation and overview of the programme
- Professor John Knox**, *UN Independent Expert on human rights and the Environment*
- Mr. Karsten Warnecke**, *Deputy Executive Director, Asia-Europe Foundation (ASEF)*
- Ms. Charlotte Flindt Pedersen**, *Director, International Department, Danish Institute of Human Rights*
- 9:30- 11:00 **SESSION 1: Incorporating environmental concerns in international human rights mechanisms**
- Moderated by Ms. Charlotte FLINDT PEDERSEN**
- Possible avenues of discussion include:
- *How can environmental concerns be better raised before international and regional human rights mechanisms?*
 - *How can international and regional human rights mechanisms assist integration of human rights with environmental policies, laws, and strategies at the domestic level?*
 - *What are some examples of good practices for incorporating environmental concerns in international human rights mechanisms*

11:00-11:15

Break

11:15-12:45

SESSION 2: Incorporating a human rights perspective in international environmental institutions

Moderated by Ms. Charlotte FLINDT PEDERSEN

Possible avenues of discussion include:

- *How can human rights be integrated or raised in the development and implementation of multilateral environmental agreements? Have efforts to do so been successful?*
- *What role can international and regional environmental organisations, including UNEP, play to promote a human rights approach to environmental protection?*
- *How can such organisations assist integration of human rights with environmental policies, laws, and strategies at the domestic level?*
- *What are some examples of good practices for incorporating a human rights perspective in international environmental institutions?*

12:45-13:00

Concluding Remarks

13:00-14:00

Lunch