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## Mandate of the Special Rapporteur on human rights and the environment

**19 April 2019**

Dear friends and colleagues,

### **Happy Earth Day and International Mother Earth Day on April 22!**

The mandate is gaining supporters and momentum as we build support towards global recognition of the human right to a safe, clean, healthy and sustainable environment! Recent highlights included a wonderful week at the UN Human Rights Council in Geneva, and a challenging but productive week in Nairobi (details of both below).

Special thanks to the Government of Monaco for making an unexpected financial contribution to support the mandate's work on climate change and human rights. We run on a shoestring budget and this type of generosity is both tremendously helpful and deeply appreciated.

It is my honour to introduce Alia El-Khatib as the newest member of our small but active team. Alia is spearheading our work on communications, and has an impressive background working on human rights issues with the OHCHR, including extensive experience assisting the Special Rapporteur on torture. Alia replaces Laurence Andre, who has returned to working on issues related to Burundi.

### **Reports**

I presented my first [report](#) to the UN Human Rights Council, about the importance of clean air to fulfilling the right to a healthy and sustainable environment, on 4 March 2019 in Geneva. The report prompted a large number

of positive comments and questions from States including Bolivia, Botswana, China, Costa Rica, Ecuador, Ethiopia, Fiji, France, Gabon, Greece, the Holy See, Indonesia, Jordan, Malaysia, the Maldives, Nepal, Peru (on behalf of a group of Latin American nations), Slovenia, Switzerland, Togo, Tunisia, Uruguay, and the European Union. Highlighting the fact that air pollution causes over 7 million premature deaths and extensive human rights violations annually, the report sparked global media attention.

My next report to the UN General Assembly (to be presented in the autumn of 2019) will address the role of a safe climate as part of the right to a healthy and sustainable environment. This topic seems timely in light of the UN Secretary-General's upcoming climate summit, the IPCC's recent special report on the ambitious steps required to limit global temperature rise to 1.5 degrees Celsius, and the need for States to accelerate actions to meet commitments under the Paris Agreement. I strongly encourage subscribers to this newsletter to consider submitting a response to our call for inputs (available [here](#)) for the safe climate report. The report should be available online in September 2019 on the [mandate's website](#).

I will also prepare a report to the UN Human Rights Council (to be presented in March 2020) which will focus on good practices specifically related to the implementation of the right to a safe, clean, healthy and sustainable environment (a right now legally recognized by more than 150 States). I would also be grateful for your responses to the call for inputs (available [here](#)) for the right to a healthy environment. The report should be available online in February 2020 on the [mandate's website](#).

## Human Rights Council 40<sup>th</sup> session



### Expert Consultation

In June 2019 in Geneva, I will be hosting an experts' consultation on good practices related to the right to a safe, clean, healthy and sustainable environment, as mandated by Human Rights Council resolution 37/8. For details of the issues that we plan to explore, please see the [Questionnaire](#).

While a physical meeting will be held in Geneva in June, we will also be hosting a series of virtual consultations on a regional basis, on the following dates:

May 9, 2019 Africa and Middle East

May 15, 2019 Asia

May 15, 2019 Australia, New Zealand and Oceania

May 16, 2019 Latin America and Caribbean

May 16, 2019 North America and Europe

Please contact [srenvironment@ohchr.org](mailto:srenvironment@ohchr.org) to sign up for one of the virtual regional consultations, and we will provide additional information prior to the event.

## Country Visits

We will visit Norway from September 12-23, 2019. We have received an official invitation from the Dominican Republic, met with several other States regarding potential visits, and are awaiting responses from a couple of other States before nailing down the details of our second country mission of 2019. If you have information to contribute to the visit, please see the call for inputs [here](#).

## Events

During my time in Geneva in March, I also participated in three side-events and a consultation. The three side events were “The Escazu Agreement and Beyond: Towards environmental democracy in Latin America and the Caribbean,” a meeting on the right to a healthy and sustainable environment (organized by Amnesty International, Center for International Environmental Law, Earthjustice, and Human Rights Watch), and a third event on the relationship between air pollution and human rights. We also held a consultation with civil society focused mainly on climate change and human rights. We also supported Norway’s important [resolution](#) on environmental human rights defenders.



From March 10-13, 2019, I was in Nairobi for the fourth UN Environment Assembly. The plane crash that killed 22 UN officials cast a shadow over the meeting, but people regrouped and worked hard to ensure a successful event, including several important resolutions. We were pleased to support Costa Rica’s [resolution](#) promoting gender equality and the human rights and empowerment of women and girls in environmental governance. I made a brief

presentation to the UNEA plenary on the relationship between human rights and the environment and participated in four side events:

1. Legal Empowerment: Leaving no one behind in decision-making in sustainability
2. Innovation, law and sustainable development
3. Marine Litter and Environmental Justice
4. Innovative approaches to implementing the human right to a healthy environment in the context of biodiversity

It was an honour to share the stage with brilliant and passionate people from all over the world who are dedicating their lives to advancing the recognition and implementation of the right to a healthy and sustainable environment.

The mandate also became an official member of the [FOR ALL Coalition](#) in March 2019. The Coalition promotes gender equality and human rights in environmental agreements.

I continued to participate in a number of events via video during recent months, including presentations on “Human Rights to Water and Air” for the Aarhus Convention Task Force on Access to Justice, “The Critical Role of Judges in Defending Human Rights” for the European Commission Judicial Colloquium on the Environmental Rule of Law, and “The Critical Importance of Participation Rights in Achieving a Sustainable Future” for a regional meeting on Empowering People for a Sustainable Future sponsored by the UN Economic and Social Commission for Asia and the Pacific and the Swedish Embassy in Bangkok, Thailand.

We are looking forward to hosting the first regional workshop on children’s right to live, study and play in safe, clean, healthy and sustainable environments in Bogota Colombia on 2-3 May 2019. We are lucky to be working with fantastic partners including Terre des Hommes, WWF, World Health Organization, UN Environment, and Global Child Forum. The second regional workshop will be held in Asia this fall, and we will provide more information on these events in future newsletters.

## **Communications**

We invite communications that allege violations of human rights related to environmental damage, degradation, hazards, or of the fundamental rights of environmental activists. We do our best to confirm the facts, identify the relevant principles and obligations of international human rights law, and ask States, and in some cases businesses, to respond to the allegations. In some

cases, pressure from the UN can result in positive changes, protecting both human rights and the environment.

Since January 2019, we wrote to various States, including India, Guatemala and Brazil urging them to respect their general obligation to protect the environment and environmentalists. By way of example, we transmitted a letter and subsequently issued a press release calling for [the prompt, thorough and impartial investigation into the collapse of a tailing dam in Minas Gerais, Brazil, on 25 January 2019](#). Together with other thematic mandates, we wrote to all Member States of the United Nations Commission on International Trade Law's Working Group III on Investor-State Dispute Settlement (ISDS) Reform, calling them to reform the ISDS system in line with their international human rights obligations. Some of the letters that I have recently transmitted to States and companies are now publicly available on the database of Special Procedures.

Additional information regarding submitting information is available on the mandate's [website](#).

## **Publications**

I wrote a chapter called "The Human Right to a Healthy Environment," for the book [A Global Pact for the Environment: Legal Foundations](#), edited by J.E. Viñuales and Y. Aguila, and published by Cambridge University-Sciences Po-Club des Juristes. John Knox also contributed to that volume.

Our friends at the Center for International Environmental Law and the Global Initiative for Economic, Social, and Cultural Rights recently published an excellent report called [States' Human Rights Obligations in the Context of Climate Change - 2019 Update](#). It will be helpful in drafting my report on a safe climate as a key element of the right to a healthy and sustainable environment.

## **Conclusion**

We hope that many of you will make submissions for the upcoming report on human rights obligations related to a safe climate as well as the upcoming consultation on good practices related to the recognition and implementation of the right to a safe, clean, healthy and sustainable environment. We welcome any other ideas, suggestions, and feedback on the mandate! You can reach our team (Soo-Young, Alia, and myself) through the official UN email address [srenvironment@ohchr.org](mailto:srenvironment@ohchr.org)

For more information please visit our website <http://srenvironment.org>. This

newsletter can be viewed online [here](#).

I look forward to continuing to collaborate with all of you to advance the recognition and fulfillment of the right to a healthy and sustainable environment for everyone, everywhere!

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