

Call for Inputs

The Right to a Safe, clean, Healthy and Sustainable Environment: Toxic-free places to live, work, study and play

“Pollution is the largest environmental cause of disease and premature death in the world today. Diseases caused by pollution were responsible for an estimated 9 million premature deaths in 2015—16% of all deaths worldwide—three times more deaths than from AIDS, tuberculosis, and malaria combined and 15 times more than from all wars and other forms of violence.”

The Lancet Commission on Pollution and Health, 2016

The Special Rapporteur on human rights and the environment, Dr. David Boyd, is working to provide additional clarity regarding the substantive rights and obligations that are related to the enjoyment of a safe, clean, healthy and sustainable environment. He has submitted reports on clean air, a safe climate, a healthy biosphere, safe and sufficient water, healthy and sustainable food, and good practices on the promotion and implementation of the right to a healthy and sustainable environment. With the support of Dr. Marcos Orellana, the Special Rapporteur on toxics and human rights, he is now preparing a thematic report focusing on human rights and associated obligations related to toxic-free environments where people live, work, study and play. For that purpose, he is seeking inputs on the topic from States, rights holders and other stakeholders through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur’s analysis and contribute to his report, which will be presented to the UN Human Rights Council in 2022.

Questionnaire

The Special Rapporteurs invite and welcome your views on the following questions:

1. Please provide examples of ways in which toxic environments—characterized by unhealthy levels of pollution and high risks of exposure to toxic substances—are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, sanitation, food, , livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, the rights of the child, cultural rights and Indigenous peoples’ rights.
2. What are the most heavily polluted places in your State? Are any areas in your State designated as “sacrifice zones” because of extreme pollution? Are there any examples of heavily polluted places that have been comprehensively cleaned up and rehabilitated? If not, what are the barriers to cleanup and rehabilitation.

3. What are the specific obligations of States and responsibilities of businesses in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals?
4. Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, jurisprudence, policies and programmes that apply a rights-based approach to ensuring toxic-free environments.
5. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, mitigating, or rehabilitating toxic environments? If so, how? If not, why not?
6. Please provide specific examples of good practices in preventing, mitigating, or rehabilitating toxic environments. These examples may occur at the international, regional, national, sub-national, or local level. Examples may involve monitoring concentrations of toxic substances in air, water, soil, food and people; guaranteeing procedural rights (e.g. public access to information, public participation in decision-making, access to remedies); legislation, regulations, standards, jurisprudence and policies that address toxic substances; and initiatives to achieve toxic-free environments (e.g. banning the use of specific substances, reducing air and water pollution, remediation projects). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.
7. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to toxic environments (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial, religious or other minorities, migrants and displaced persons). How can these populations be empowered to protect their rights?
8. Are the actions of high-income States linked to increased risks of exposure to toxic substances in low- and middle-income States? What are ways in which high-income States should assist low-income States in preventing and rehabilitating toxic environments?
9. For businesses, what policies or practices are in place to ensure that activities, products, and services prevent risks of toxic exposures and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

Submission of responses

Please send your responses to the questionnaire **in Word format** by email to srenvironment@ohchr.org. Submissions will also be accepted via regular mail at the following address:

Special Rapporteur on human rights and the environment
Special Procedures
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10, Switzerland

We kindly request that your submission be concise and limited to a maximum of 5 pages (or 2,000 words), although links, appendices and attachments are welcome.

Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

To avoid unnecessary duplication: if you have recently replied to other questionnaires from UN human rights mechanisms (or other international bodies) with information that would be relevant to this request as well, we welcome your directing us to those replies.

The deadline for submission is November 1, 2021.

Unless otherwise requested, all submissions will be made publicly available and posted on the Special Rapporteur's homepage at the OHCHR website.
