**Mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

**Call for Inputs**

**Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life**

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

1. Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.

Swedwatch focuses on impacts of business operations on human rights and the environment and has done extensive research on a wide range of sectors for the past 15 years. Some particularly problematic examples of how global production systems and unsustainable business practices cause harm to ecosystems, biodiversity and human rights include:

1. **Loss of biodiversity caused by logging of tropical timber**

The clearing of tropical forests is associated with high risks of impacts on human rights, biodiversity and climate. Despite voluntary schemes, such as the voluntary Forest Stewardship Council, logging companies are frequently not sufficiently addressing these risks. Sustainable management of the world’s tropical forests is critical for reducing poverty for the 1.6 billion people who rely on forests for their livelihoods, and for ensuring global climate stability. However, tropical forests are disappearing at an alarming rate. While land conversion for agriculture has become the largest driver of deforestation, illegal and unsustainable logging are also major contributors to the ongoing destruction of forests and biodiversity. Previous Swedwatch research has outlined violations of indigenous rights and the rights to life and to health of affected communities in the context of logging.

**Example: Logging in Cameroon**

In the report [“Undercutting rights”](https://swedwatch.org/wp-content/uploads/2019/02/Tropiskt-timmer_190221_93.pdf) from 2019, Swedwatch and the Swedish Society for Nature Conservation (SSNC) present results from research in ten communities in Cameroon impacted by three logging operations: a short-term operation in which independent monitoring indicated cases of illegal logging in 2017, and two long-term selective logging operations, forest management certified or legality certified under the voluntary Forest Stewardship Council (FSC).

Cameroon is host to 10 percent of the Congo Basin forests on which 75 million people, including nearly 15,013 distinct ethnic groups and indigenous peoples, depend for their livelihoods and cultures. The Congo Basin - the second-largest tropical forest in the world after the Amazon - is expected to lose 70 percent of its remaining forest cover by 2040 unless current patterns of infrastructure development and natural resource exploitation are curbed.

Findings indicate that all ten communities covered by Swedwatch’s field study, were adversely affected and that impacts ranged from irreversible deforestation and displacement to negative effects on wildlife and small-scale agriculture. The report also found that vulnerable groups, particularly girls and indigenous peoples, were disproportionately affected. Six out of ten communities in the study described sexually exploitative relationships, stating that logging workers had engaged in sexual relations with girls aged 12 to 17, resulting in child pregnancies and school dropouts. Furthermore, indigenous representatives claimed that their forest-based livelihoods had deteriorated, and that they had not enjoyed the same level of benefits as non-indigenous communities.

All in all, findings clearly illustrate that tropical forestry remains a high-risk sector where business activities may impact on unique tropical forests and the livelihoods and human rights of marginalised groups and that also in FSC certified operations, logging activities may come with negative impacts on people and forests. This suggests that certification schemes such as the FSC – which is globally considered to have the highest environmental and social standards in the timber sector – cannot replace human rights and environmental due diligence in line with international norms and standards.

In order to ensure ‘no harm’ to communities and their forest livelihoods, the report calls for tropical logging companies to conduct human rights and environmental due diligence, where care should be taken to ensure broad-based community consultation, and for importers and buyers of tropical timber to use their leverage to ensure that suppliers conduct and transparently disclose environmental and human rights due diligence.

1. **Water scarcity caused by food and agriculture sectors**

Water scarcity is a global threat that already affects large parts of the world’s population. Agriculture consumes approximately 70 percent of the world’s freshwater, making it the principal user of freshwater supplies. This entails a responsibility among businesses operating in this sector to address water scarcity and its subsequent human rights and environmental risks. However, while many companies address water-related risks that may affect profitability, related human rights risks are often overlooked.

**Example: Production of fruits and vegetables in Peru**

Swedwatch’s report “[To the last drop](https://swedwatch.org/wp-content/uploads/2018/11/92_To-the-last-drop_Full-report.pdf)” from 2018, published in collaboration with Diakonia, outlines how the large-scale production of fruits and vegetables has created an acute water scarcity in Peru’s Ica valley, with severe impacts on the rights to water, health and life of local communities. Still, despite an awareness of existing challenges, companies buying such products from the region have failed to identify and act on water-related human rights risks.

In recent decades, the desert area of Ica in southern Peru has seen a dramatic decline in access to water as the production of food items such as asparagus and avocado has increased. While a surge in demand for asparagus, avocado and other vegetables has boosted economic growth and created jobs in the region (?), increased pressure on freshwater resources has also led to an acute water crisis for Ica’s local communities. The agriculture sector, dominated by the production of export crops, accounts for up to 90 per cent of yearly groundwater extraction while many residents have access to water for only a few hours every week.

Access to water is a human right, and lack of water is associated with several human rights risks. Over usage of water in Ica has many severe implications; lack of water and poor water quality cause health problems, increased competition over water has led to violent conflicts and small-scale farmers have been forced to leave their lands due to drying wells. The report also finds that measures taken by local authorities to halt the over-exploitation of groundwater have not been effective, and that agro export companies have acted in breach of existing national water regulations. Purchasing companies have failed to recognize and address human rights risks and impacts, and to follow up on their suppliers’ compliance with human rights requirements.

1. **Pollution caused by pharmaceutical production**

Rising global demand for cheap medicine has increased the production of pharmaceuticals in low-cost countries. A large part of our antibiotics and other medicines are today made in India, a country with a well-documented history of alarming effluent releases linked to drug manufacturing. Common human rights impacts found by Swedwatch include violations of the rights to water, to health and to life of communities affected by business operations in the pharmaceutical sector.

**Example: Release of untreated effluents in Hyderabad**

In Hyderabad – also known as “the bulk drug city of India” – local communities and environmental human rights defenders have for decades protested against adverse impacts from the operations of pharmaceutical industry. Swedwatch’s report [”The Health Paradox”](https://swedwatch.org/wp-content/uploads/2020/02/96_Pharma-report_Final.pdf) from 2020, conducted in collaboration with the Swedish Society for Nature Conservation, shows that local residents suffer from respiratory problems and skin conditions as well as decreased access to water and threats to their livelihoods.

Residents who used to depend on nearby lakes for irrigation, fishing, drinking and household use, stopped using the water when it became discoloured and foul-smelling. There are also growing concerns over future water shortages as climate change is expected to amplify the regional drought cycle – which is already impacting lives and livelihoods – amid fears that it may spark water-related conflicts. Besides loss of income, residents say they have suffered from a general loss of productivity due to illness and increased costs of healthcare.

Releasing untreated effluents into the environment is also a threat to global health. In Hyderabad, studies have found extremely high concentrations of antibiotics and multi-resistant bacteria in local water supplies. According to experts, this is a neglected risk for the spread of antibiotic resistance (AMR). AMR is expected to cause 10 million deaths per year globally by 2050 unless action is taken, and is already today a serious issue in India. For instance, India faces the highest numbers of resistance-attributable neonatal sepsis deaths in the world; almost 57,000 neonates die each year owing to neonatal sepsis caused by bacteria resistant to first-line antibiotics.

Despite the alarming and well-known risks, the EU has no environmental requirements on the production of drugs sold on the European market, and there are few incentives for drug producing companies to monitor or report on pollution. The pharmaceutical sector is also infamous for its lack of transparency, which makes it nearly impossible for consumers to know how and where their drugs are manufactured – and to hold polluters to account.

While pharmaceutical pollution in India has drawn national and international attention and has led the Indian government to recently introduce a draft bill to limit concentrations of antibiotics in waste discharged by factories, experts stress that pharmaceutical pollution from manufacturing is a global problem. Due to a lack of transparency and data, it is not known how widespread the pollution is, but high concentrations of pharmaceutical effluents have been discovered also in other parts of the world. The industry has taken measures to improve production and supply chain sustainability, but progress is slow and the precautionary principle is still disregarded by many manufacturers.

**D. Environmental degradation in the mining sector**

Today’s digitalized world builds on the extensive exploitation of natural resources, leading to severe environmental degradation in affected areas. Metals extracted from the mines constitute essential components in smartphones, laptops and other information and communication technology (ICT) products. As the world market for ICT products continues to grow rapidly, so too does the global demand for copper, which has doubled over the last 25 years. Mineral extraction, including copper, is associated with severe human rights risks and strongly impacts local communities in mining areas, including environmental degradation, forced evictions and fueling of conflict.

**Example: copper extraction in Zambia**

Zambia holds the largest copper reserve in Africa. In the report [”Copper with a cost”](https://swedwatch.org/wp-content/uploads/2019/05/94_Zambia_190429_enkelsidor.pdf) Swedwatch presents findings from research in Zambia where it assessed human rights risks in the large-scale mining of copper. Swedwatch’s research in two of the country’s mining areas found that environmental pollution from copper mining impacted negatively on the right to clean water and health for community members. It illustrates several human rights risks inherent in large-scale mining of minerals, particularly in poor areas with weak institutions and low enforcement of law. Findings also highlight the need for efficient human rights due diligence by companies that source high-risk minerals.

6. Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

Swedwatch’s broad mandate and work with the business and human rights community, the environment community and the development community has allowed insight into the frequently siloed nature of their respective work streams. Frequently, affected local communities do not identify as rights-holders or environmental rights defenders. Equally, business actors under scrutiny in our research are frequently unaware that the environmental impacts of their operations can be measured in rights. In our research, we frequently encounter a stark difference in terminology employed by the different stakeholders, leading to miscommunication, as well as a lack of awareness of how other communities are tackling similar issues.

We draw the conclusion that efforts to link human rights and a clean and healthy environment on a local, regional, national and multilateral level need to be further strengthened. Increased awareness and cooperation between authorities at all levels working to address environmental issues and those working to address human rights concerns is key.

On a multilateral level, cooperation agreements such as the one between OHCHR and UNEP are to be welcomed. Such cooperation agreements should further be complemented by increased cooperation between relevant UN agencies, such as a continuation and expansion of the cooperation between the Human Rights Council and the UN Environment Assembly. This cooperation could further be expanded to take into account New York based institutions, such as the Peacebuilding Commission and the General Assembly. International guidelines to protect human rights and environmental standards need to be aligned and processes to develop new standards coordinated.

On a local and national level, capacity-building and awareness raising are fundamental. This should include a closer integration of the work of national civil society from the human rights, development, peacebuilding, gender, and environmental communities. An ongoing exchange between Environmental Protection Agencies, National Human Rights Institutions and government agencies mandated to lead economic development would also be welcomed.

8. How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

Please see Swedwatch’s 2019 report [“Defenders at risk”](https://swedwatch.org/wp-content/uploads/2019/12/MR-fo%CC%88rsvarare_191209_uppslag.pdf) for more detailed input. Based on Swedwatch’s long-standing work with rights-holders affected by business operations, we recommend that, to protect the rights of human rights and environmental defenders, especially those working to address corporate misconduct, UN Member States should:

• Adopt legislation on mandatory human rights due diligence for companies, highlighting

their responsibility to conduct meaningful consultation with, and address

risks to, defenders in company value chains.\*

• Develop clear guidance on how business actors should integrate measures to

respect defenders throughout their operations and ensure that state-owned companies

lead by example.

• Ensure a safe and enabling environment where human rights and environmental

impacts can be investigated and reported without fear of retaliation.

• Establish effective judicial and non-judicial grievance mechanisms for defenders

and victims of business-related human rights impacts, and ensure efficient venues

for seeking remedy.

• Enhance efforts to address factors that allow attacks on defenders to continue,

such as impunity for violations.

• Address conflicts of interests between trade promotion and the state’s duty to protect

human rights as outlined in policy coherence goals, for example in decisions

on export credit guarantees and in trade agreement negotiations, to ensure these

take into account the risks, threats and restrictions faced by defenders.

• Ensure that embassies and other diplomatic missions work actively with defenders

of human rights and the environment and provide guidance to businesses on how

to respect human rights and defenders in line with the UNGPs.

\* Mandatory human rights and environmental due diligence as set out in the UN Guiding Principles (UNGPs) and OECD Guidance for Responsible Business Conduct, including a strong EU legislation, is key. In order for mandatory HRDD legislation to have a meaningful impact on the protection of human rights and the environment, legislation must be based on the core principles of existing international frameworks. It should cover all sectors of the economy and consider both upstream and downstream value chains, ensure that due diligence is conducted with a gender sensitive perspective. Furthermore, it must ensure access to remedy for rights holders affected by corporate malpractice and establish consequences for companies not complying with the regulation. It should be aligned and integrated with other regulatory initiatives, including the EU’s sustainable finance strategy, the review of the non-financial reporting directive and the 2030 Climate Target Plan. In addition, it is crucial that the requirements set forth by the regulation should not become a mere reporting exercise but actually establish a clear legally binding obligation for companies and buyers/procurers to understand, identify, assess, address and mitigate human rights and environmental harm in their value chains.

**About Swedwatch**

Swedwatch is an independent not-for-profit organisation that conducts in-depth research on

the impacts of businesses on human rights and the environment. The aim of the organisation is

to contribute towards reduced poverty and sustainable social and environmental development

through research, encouraging best practice, knowledge-sharing and dialogue. Swedwatch’s

member organisations Afrikagrupperna, Act Church of Sweden, Diakonia, Fair Action, Solidarity

Sweden-Latin America and the Swedish Society for Nature Conservation. All of Swedwatch’s reports can be downloaded at [swedwatch.org.](https://swedwatch.org/)