**Open call for Inputs**

**“Business enterprises, planetary boundaries**

**and the human right to a clean, healthy and sustainable environment”**

Business enterprises are major contributors to the breaching of planetary climate and environmental boundaries, resulting in a crisis that is having devastating effects on human rights, especially the rights of people in situations of vulnerability or marginalization. Paradoxically, businesses also have the potential to contribute to the vastly accelerated implementation of just and equitable solutions to this crisis.

There are many normative frameworks outlining the responsibilities of businesses as they relate to human rights generally, although not specifically regarding the right to a clean, healthy and sustainable environment. These frameworks include the UN Guiding Principles on Business and Human Rights, the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct, the UN Global Compact, and the Children’s Rights and Business Principles.

There is general agreement on three key points. First, states have an obligation to protect everyone under their jurisdiction from human rights abuses committed by business enterprises. Second, all businesses have a responsibility to respect all human rights wherever they operate. Businesses should conduct due diligence to identify their actual or potential impacts on human rights, prevent and mitigate violations, and address any adverse human rights impacts they are involved with either directly or through their business relationships. Third, businesses must establish or participate in grievance mechanisms for anyone adversely impacted by their operations, because individuals and communities affected by human rights violations have a right to effective remedies.

The magnitude of ongoing business contributions to the planetary crisis raises questions about the adequacy of normative standards and the ability of today’s economic system to achieve a just and sustainable future where everyone enjoys their right to a clean, healthy and sustainable environment.

The Special Rapporteur is seeking inputs on this topic from States, rightsholders, businesses and other stakeholders through responses to the questions 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 March 2024.

**Questions**

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

1. Do business enterprises respect the human right to a clean, healthy and sustainable environment? Are the actions of business enterprises preventing people from fully enjoying their right to a clean, healthy and sustainable environment? Are specific industries particularly problematic? Please provide examples.
2. Are current normative standards sufficient to ensure that business enterprises fulfil their human rights responsibilities related to the right to a clean, healthy and sustainable environment? Why or why not? In what way could these normative standards, or their implementation, be strengthened or improved?
3. Are States fulfilling their obligation to protect the right to a clean, healthy and sustainable environment of individuals and communities under their jurisdiction from human rights abuses committed by business enterprises? Why or why not? What is the appropriate extent of their jurisdiction in today’s interconnected global economy, dominated by transnational businesses?
4. What actions should States take to prevent business enterprises from abusing or infringing the right to a clean, healthy and sustainable environment? What specific actions are needed to protect the right to a clean, healthy and sustainable environment of potentially vulnerable populations (e.g. women and girls, children, Indigenous peoples, people of African descent, peasants and other local communities, disabled persons, migrants, persons living in poverty and other groups)? What specific actions should States and businesses take to protect environmental human rights defenders?
5. Would legislation requiring all business enterprises to conduct mandatory human rights and environment due diligence ensure that businesses respect the right to a clean, healthy and sustainable environment? Is the proposed international legally binding instrument on due diligence likely to be effective in ensuring that businesses respect the right to a healthy environment?
6. To what extent do greenwashing and other types of misinformation campaigns conducted by businesses interfere with the enjoyment of the right to a healthy environment? What should States do to address this problem?
7. To what extent do businesses engage in political activities that undermine democracy (e.g. campaign donations, lobbying, litigation, and other actions) and thus interfere with State’s ability to respect, protect and fulfil the right to a healthy environment? To what extent are businesses using strategic lawsuits against public participation to limit the freedom of expression of environmental human rights defenders? What should States do to address these problems?
8. Is it possible to fulfil everyone’s right to a clean, healthy and sustainable environment in today’s global economic system with its focus on endless economic growth, maximizing corporate profit and externalizing environmental, social and health costs? If not, then what types of systemic and transformative changes should be prioritized?

**Submission of responses**

Please send your responses to the questionnaire **in Word format** by email to
hrc-sr-environment@un.org.

However, submissions will also be accepted via regular mail at the following address:

UN Special Rapporteur on human rights and the environment

Thematic Engagement, Special Procedures and Right to Development DivisionUNOG-OHCHRCH-1211 Geneva 10, Switzerland

We kindly request that your submission be concise and limited to a maximum of
5 pages (or 2,000 words), not including appendices or attachments.

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 1 November 2023.** Submissions received after this date will not be incorporated in the report.

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

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