



**Presentation of Four Reports:
Children's Rights and the Environment
Country Visit to Uruguay
Country Visit to Mongolia
Framework Principles on Human Rights and the Environment**

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the enjoyment of a safe, clean, healthy and sustainable environment

Statement

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Excellencies, distinguished delegates, ladies and gentlemen, I am honoured to address you for the last time as the Special Rapporteur on human rights and the environment, and present my final four reports.

In the six years since the Council created this mandate, it has become ever clearer that human rights and the environment are interdependent: a healthy environment is necessary for the full enjoyment of human rights, and the exercise of human rights is critical for the protection of a healthy environment.

New initiatives reflecting this understanding emerge almost daily.

For example, just yesterday, the member States of the UN Economic Commission for Latin America and the Caribbean adopted the text of a new treaty on the rights to information, participation and access to justice in the environmental context. I think this is one of the most important human rights treaties *and* one of the most important environmental treaties of the last twenty years.

Tomorrow, here in Geneva, UN Environment will announce a new environmental rights initiative, demonstrating the importance it now gives to rights-based approaches to environmental protection.

Despite these and other achievements, however, much more remains to be done to safeguard human rights and the environment, as my reports to the Council illustrate.

I will discuss the reports in the order that they are numbered:

- o first, the report on children's rights and the environment,
- o then the two reports on my visits to Uruguay and Mongolia, and
- o last, the report presenting framework principles on human rights and the environment, which urges the United Nations to recognize the human right to a healthy environment.

Children's Rights and the Environment

No group is more vulnerable to environmental harm than children. More than 1.5 million children under the age of five lose their lives every year because of pollution and other avoidable environmental harms. Millions more children suffer disease and disability with lifelong effects.

Children are especially at risk because they are still developing physically and mentally, and because the environmental threats they face are beyond their control. Even within their homes, where they should feel safe, too many children suffer from household air pollution, toxic chemicals, and contaminated food and water. And when they leave their homes, they often face ambient air pollution and open waste sites instead of green spaces and access to the natural environment.

There can be no doubt that environmental harm interferes with a host of children's rights, including their rights to life, health and development, food, housing, water and sanitation, play and recreation.

The international community has often recognized that environmental harm threatens the rights of children, and in response, many States have taken innovative steps.

- o For example, Bolivia, El Salvador, Mexico and Paraguay have introduced national legislation that recognizes the rights of children to a healthy and sustainable environment.
- o Denmark, Saudi Arabia and Slovenia have adopted measures to protect children's health from environmental degradation and dangerous chemicals.
- o Serbia is using the media to raise children's awareness about environmental issues, and Germany is promoting their participation in environmental initiatives.

- o Oman and Qatar have each designated a “national day of the environment” through which they raise environmental awareness and promote children’s participation in environmental activities.
- o And many States, including Australia, Azerbaijan, El Salvador, France, Georgia, Palestine, Philippines and Switzerland, report that they have introduced measures to improve children’s environmental education.

Nevertheless, States need to do more to protect children from environmental harm. Let me highlight three concrete recommendations from my report.

First, States must improve their development and dissemination of information about environmental hazards. In particular, States should ensure that environmental impact assessment procedures take into account the effects of proposed actions on children. They should greatly improve the data on exposure of children to various types of environmental harm, including in particular those children most at risk. And States should make information about environmental hazards publicly available to children and their caretakers in accessible, easy-to-understand formats.

Second, States should facilitate the participation of children in environmental decision-making. Children are not experts in air pollution, water management or toxicology, of course, but neither are most adults. Once children have reached a certain level of maturity, they are capable of forming opinions and expressing views on proposals for measures that may affect them. In particular, children should be heard on long-term environmental challenges, such as climate change, that will affect them far more than their parents.

Third, and most important, States should ensure that the best interests of children are a primary consideration in all environmental decision-making. Article 3 of the Convention on the Rights of the Child states that “In all actions concerning children . . . the best interests of the child shall be a primary consideration,” and that “States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being”

This language encompasses not just decisions on matters of juvenile justice and child custody. It also includes environmental policy-making. In short, environmental policies have to start putting the rights of children first, instead of treating them as an afterthought.

States could begin by committing to implement the recommendations of expert agencies such as the World Health Organization and UNICEF, which have recently issued detailed reports with examples of good practices on protecting children’s health and well-being from environmental harm. At a side event last week, we discussed the possibility of holding seminars that bring together experts from these agencies and from States to share good practices and ways forward on these issues.

At the side event, I also showed participants a child-friendly version of this report. The organization Terre des Hommes had the idea to produce a version of this report that could be readable by children, and with the help of Queen’s University Belfast, children at the Rathmore

Grammar School there did a beautiful job of translating the report into language suitable for ten-year-olds.

Along the way, there was a telling moment. After discussing the original report, one of the young children handwrote the words “this is scary” on the page showing the number of deaths.

Who can blame them for being scared? Beyond the immediate environmental dangers, as grave as they are for so many children around the world, looms the threat of even worse environmental harms to come. We adults are drastically altering the very nature of the planet, changing the climate and decimating the ecosystems on which human beings depend.

Although we are beginning to see the consequences of these actions, the worst effects may not appear for decades. The year 2100, for example, is often used as a goalpost in the fight against climate change. Probably none of the adults in this room will be alive then. Perhaps because it seems so far away, we struggle to treat long-term environmental harm with the urgency it deserves.

It is true that we make commitments to sustainable development, defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” But I wonder sometimes whether we forget that many members of the next generation have already arrived, and more arrive every moment. We do not need to look into the future to see the people whose lives will be affected by our actions today. They are already here.

To take a personal example, I have twin nieces who just celebrated their second birthday. With luck, they will greet the next century when it arrives. What kind of world will the children of their generation inherit from us? Will they thank us for leaving them a safe and sustainable environment? Or will they struggle to live on a blighted planet, and wonder why we could not find the will to protect them, when they were still too young to protect themselves?

I now turn to my two country visits, to Uruguay and to Mongolia. While the countries face different types of challenges, I was impressed by the level of commitment I saw in both countries to incorporating human rights concerns into environmental policies.

Mission to Uruguay

Uruguay has made a truly remarkable commitment to renewable energy. Over the last decade, it has pursued a long-term strategy to reduce its dependence on fossil fuels. With the support of all political parties in Parliament, its national energy plan has surpassed its original targets: Over 96 percent of its electricity now comes from renewable resources.

At the same time, Uruguay faces challenges. For example, as it increases its production of agriculture and livestock, it must ensure that it protects its sources of drinking water from pollution from fertilizers, pesticides, and cattle.

The report sets out a number of recommendations, including on facilitating public access to environmental information and remedies. It suggests that Uruguay consider instituting an environmental ombudsperson, who could receive inquiries and complaints, and ensure that the Government responds quickly and transparently to such communications.

Mission to Mongolia

Mongolia is famous throughout the world for its nomadic herding culture, which for centuries has allowed humans to live in harmony with natural ecosystems. Mongolia also has age-old traditions of protecting its sacred land. For example, the Bogd Khan mountain near Ulaanbaatar is considered the oldest national park in the world.

However, the tradition of nomadic herding is under pressure from many directions, including overgrazing, climate change, and mining activities, all of which threaten herders and the grasslands on which they depend. These pressures drive herders to move to urban areas. Almost one-half of the Mongolian population now crowd into Ulaanbaatar, which has some of the worst air pollution in the world.

Mongolia is well aware of these issues, and it has adopted environmental laws that, for the most part, include strong substantive standards. But implementation too often lags behind. The report's recommendations focus on closing the gaps between the standards on paper and in practice.

Framework Principles on Human Rights and the Environment

My last report presents 16 framework principles on human rights and the environment.

In the first three years of my mandate, as the Independent Expert, the Council requested me to clarify the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. After holding regional consultations and undertaking extensive research, I presented a mapping report to the Council in 2014, which described the procedural and substantive obligations identified by human rights bodies in relation to the environment. The next year, I presented another report that identified more than 100 good practices in the use of these obligations.

When the Council renewed the mandate and changed my title to Special Rapporteur in 2015, it encouraged me to promote the realization of these human rights obligations. I held an expert meeting and public consultation on implementation of the obligations, at which many interlocutors, including governments and civil society organizations, urged me to present the obligations in an easy-to-understand format in order to provide practical guidance on their implementation.

These framework principles are my response to that request.

To be clear, these principles do not create new legal obligations. Rather, they reflect the application of existing human rights obligations in the environmental context.

They state, for example, that the rights of freedom of expression and of peaceful assembly apply to environmental issues, as do the rights of information, public participation in decision-making and access to effective remedies.

They provide that States' duties to protect human rights defenders include environmental human rights defenders, who are working to protect the environment on which our human rights depend, often at great personal risk. On average, four are killed every week around the world. States owe environmental defenders obligations of respect, gratitude, and protection.

The framework principles also make clear that the obligations of States to prohibit discrimination and to ensure equal and effective protection against discrimination apply in relation to the enjoyment of a safe, clean, healthy and sustainable environment.

The principles also state that States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.

And they state that the obligation of international cooperation to address global threats to human rights encompasses environmental threats such as climate change and the loss of biological diversity.

In all of these respects, States should ensure that they take the necessary measures to protect the rights of those who are most vulnerable to environmental harm, as well as the rights of indigenous peoples and traditional communities.

Most fundamentally, the framework principles reflect the interdependence of human rights and the environment: States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights, and they should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.

The Human Right to a Healthy Environment

Perhaps the simplest way of expressing this interdependence is through the recognition of a human right to a healthy environment. More than 100 countries have already recognized this right in their national constitutions; many more have done so through national laws and regional agreements.

As Victor Hugo said, it is impossible to resist an idea whose time has come. I believe that it is time for the United Nations to join so many of its members in formally recognizing a human right to a healthy environment. In particular, I encourage States to support the recognition of the right in a General Assembly resolution or other global instrument.

Recognition of the right to a healthy environment would not require a sea-change in human rights law; on the contrary, it would highlight what has already become clear: all human beings deserve to live in an environment that enables them to enjoy their human rights.

Conclusion

In conclusion, I want to thank the Council, one last time, for appointing me to serve as the first Special Rapporteur on human rights and the environment.

I have tried to fulfill the mandate to the best of my ability, but I could have done nothing without the support of countless individuals, civil society organizations, governments and international organizations, whose contributions of their time, energy, ideas, and efforts have fueled the mandate from the beginning to the present.

Over the last five years, I have met hundreds, if not thousands, of people who are bringing human rights to bear on environmental issues. From attorneys in Mexico to park rangers in Mongolia, from professors in China to community activists in Madagascar, from a mother who founded an environmental organization in Kenya to conservationists in Sweden to judges in Costa Rica, from indigenous leaders in Brazil to climate negotiators in Paris to international civil servants in Geneva and Nairobi, people in every country are striving for a world in which everyone can enjoy the human rights that depend upon a safe, clean, healthy and sustainable environment.

It has been a great honour to support them in their efforts.