



“Human Rights and Pollution: Advancing Pollution Controls through a Rights-based Approach”

A side event to the 3rd Session of the United Nations Environment Assembly

Co-sponsored by

The Government of Costa Rica, the Office of the United Nations High Commissioner for Human Rights and the United Nations Environment Programme (UN Environment)

Monday, 4 December 2017

13h30 – 15h00

Conference Room 14, Upper Concourse
United Nations Office, Nairobi

This side event will examine the human rights harms caused by all forms of pollution and the corresponding human rights obligations of duty-bearers to prevent and remedy them. By framing pollution as a human rights concern, the event will promote effective action to prevent and remedy pollution-related human rights harms and preserve a safe, clean, healthy and sustainable environment for current and future generations. Expert panelists will lead us in a stimulating and interactive 90 minute dialogue, followed by a moderated discussion.

Programme

Opening remarks: **Minister Edgar Gutierrez** (President of the UN Environment Assembly) (TBC)

- **Professor John Knox**, UN Special Rapporteur on Human Rights and the Environment
- **Mr. Björn Beeler**, International POPs Elimination Network (IPEN) (TBC)
- **Ms. Helena Hakina**, Environmental Rights Defender, Papua New Guinea (TBC)
- **Ms. Elizabeth Maruma Mrema**, Director, Law Division, UN Environment

Moderator: **Ms. Niamh Brannigan**, Communications Officer, Law Division, UN Environment
Background

In its resolution 34/20, the Human Rights Council states that “the unsound management of chemicals and waste... may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights”. The last decade has ushered in considerable achievements in terms of protecting the environment, technological innovation, the growth of the global economy, and worldwide social development. However, serious challenges continue to threaten these achievements. According to estimates, pollution contributes to more than 2 million deaths each year and many more instances of disease. People may suffer from both direct exposure to pollution, and from the effects of pollution on the ecosystems on which they rely upon for their livelihoods. Indigenous peoples, children, women, and the poor, among others, are disproportionately at-risk of suffering from pollution-related harms. There are clear linkages between pollution, the environment, and the enjoyment of human rights. The Human Rights Council and its special procedures particularly the UN Special Rapporteur on toxics and the UN Special Rapporteur on environment have repeatedly highlighted these linkages.

Numerous studies have also shown the unequal distribution of environmental burdens, particularly environmentally polluting activities, which disproportionately affect the poor, the disadvantaged and children, among others. The environmental justice movement emerged in large part as a response to this unequal burden, which continues to drive inequalities today. For example, in many developing countries, less than half of solid waste is safely disposed of. Air pollution also remains a substantial public health threat all around the world. Those who suffer the most from pollution-related health complications are typically those who can least afford it. Governments have human rights obligations to respect, protect and fulfill human rights for all persons, particularly the poor and disadvantaged. This includes an obligation to protect the human right to health from pollution-related harms. Failure to regulate pollution effectively or ensure access to effective remedies for those affected by pollution-related harms breaches this obligation.

Historically, such failures have been the subject of extensive litigation based on the right to health and related rights, including constitutional environmental rights. However, the vast majority of pollution-related harms have never been remedied. Many of those affected by pollution may not have access to justice, may be unable to satisfy high evidentiary burdens, or may not even know they have been affected. In many cases, environmental human rights defenders seeking justice for pollution-related harms suffered by themselves, their

communities or their clients have been the subject of threats, reprisals, harassment and physical harm. According to the human rights framework and to Rio Principle 10, persons affected by pollution should have access to information, participate in decision-making processes and have access to justice in environmental matters. These basic requirements are integral to safeguarding a healthy environment for present and future generations and achieving the Sustainable Development Goals.