



# General Assembly

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## Human Rights Council

### Nineteenth session

Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania\*, Bosnia and Herzegovina\*, Botswana, Cambodia\*, Chad\*, Congo, Costa Rica, Côte d'Ivoire\*, Croatia\*, Democratic Republic of the Congo\*, Dominican Republic\*, Ecuador, France\*, Georgia\*, Germany\*, Greece\*, Honduras\*, Hungary, Ireland\*, Israel\*, Kenya\*, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Maldives, Mauritania, Mauritius, Montenegro\*, Morocco\*, Nigeria, Palestine\*, Panama\*, Paraguay\*, Peru, Poland, Portugal\*, Romania, Serbia\*, Slovenia\*, Somalia\*, Spain, Sudan\*, Switzerland, the former Yugoslav Republic of Macedonia\*, Timor-Leste\*, Tunisia\*, United Republic of Tanzania\*, Uruguay, Zimbabwe\*: draft resolution

### 19/... Human rights and the environment

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Recalling* Human Rights Council resolutions relevant to the relationship between human rights and the environment, including resolution 16/11 of 24 March 2011 on human rights and the environment, resolutions 7/23 of 28 March 2008, 10/4 of 25 March 2009 and 18/22 of 30 September 2011 on human rights and climate change, resolutions 9/1 of 24 September 2008 and 12/18 of 2 October 2009 on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, and resolution 18/11 of 29 September 2011 on the mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, as well as relevant Commission on Human Rights resolutions, including resolutions 2003/71 of 25 April 2003 and 2005/60 of 20 April 2005 on human rights and the environment as part of sustainable development,

*Bearing in mind* General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolution 16/21 of 25 March 2011 and General Assembly resolution 65/281 of 17 June 2011,

*Recalling* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the

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\* Non-Member State of the Human Rights Council.

Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

*Recalling further* the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

*Recalling* the principles of the Rio Declaration on Environment and Development,

*Cognizant* of the importance of the United Nations Conference on Sustainable Development, to be held in Rio de Janeiro, Brazil, in June 2012,

*Reaffirming* the Millennium Development Goals, in particular Goal 7 on ensuring environmental sustainability, as well as the commitments made by the international community, as contained in the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly,<sup>1</sup> to make every effort to achieve the Millennium Development Goals,

*Recognizing* that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environment needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant and beneficiary of the right to development,

*Recalling* the guiding principles on business and human rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

*Mindful* that certain aspects of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment require further study and clarification,

1. *Notes with appreciation* the analytical study on the relationship between human rights and the environment<sup>2</sup> submitted by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 16/11;

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, whose tasks will be:

(a) To study, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions, the human rights obligations, including non-discrimination obligations, relating to the enjoyment of a safe, clean, healthy and sustainable environment;

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<sup>1</sup> See resolution 65/1.

<sup>2</sup> A/HRC/19/34.

(b) To identify, promote and exchange views on best practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and, in that regard, to prepare a compendium of best practices;

(c) To make recommendations, consistent with her or his mandate, that could help the realization of the Millennium Development Goals, in particular of Goal 7;

(d) To take into account the results of the United Nations Conference on Sustainable Development to be held in Rio de Janeiro, Brazil in June 2012, and to contribute a human rights perspective to follow-up processes;

(e) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities;

(f) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and the treaty bodies, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(g) To submit a first report, including conclusions and recommendations, to the Human Rights Council at its twenty-second session and annually thereafter;

3. *Requests* the High Commissioner to ensure that the Independent Expert receives the resources necessary to enable him or her to discharge the mandate fully;

4. *Calls upon* all States, United Nations agencies, other relevant international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the independent expert, and invites them to share best practices with the independent expert, and to provide him or her with all the necessary information relating to the mandate to enable him or her to fulfil the mandate;

5. *Encourages* the Office of the High Commissioner to participate in the United Nations Conference on Sustainable Development, in order to promote a human rights perspective;

6. *Decides* to continue its consideration of the matter under the same agenda item at its twenty-second session.