

# REALISING HUMAN RIGHTS AS A CRITICAL CONTRIBUTION TO CONFRONTING THE TRIPLE PLANETARY CRISIS

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Leveraging State engagement  
with the international human rights  
system to address climate change,  
pollution, and biodiversity loss

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May 2024



UNIVERSAL RIGHTS GROUP

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July 2024

## PREFACE

The present report was prepared by the Universal Rights Group (URG). Importantly, the research methodology and framework for the analysis of UN human rights recommendations related to the environment, and the selection of country case studies as well as analysis of implementation progress in those countries, was developed/undertaken through a partnership. Notwithstanding, the results of that quantitative and qualitative analysis, and thus the content of this policy report, are the responsibility of URG alone.





# ACKNOWLEDGEMENTS

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ACRONYMS AND ABBREVIATIONS

CCA	Common Country Assessment	NHRI	National human rights institution
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	NMIRF	National mechanism for implementation, reporting and follow-up
CERD	Convention on the Elimination of Racial Discrimination	OHCHR	Office of the High Commissioner for Human Rights
CPD	Country Programming Document	UNCT	United Nations Country Team
CRC	Convention on the Rights of the Child	UNDAF	United Nations Development Assistance Framework
CRPD	Convention on the Rights of Persons with Disabilities	UNDP	United Nations Development Programme
EHRD	Environmental human rights defenders	UNEP	United Nations Environment Programme
HRC	United Nations Human Rights Council	UNESCO	United Nations Educational, Scientific, and Cultural Organization
ICCPR	International Covenant on Civil and Political Rights	UNICEF	United Nations Children’s Fund
ICESCR	International Covenant on Economic, Social and Cultural Rights	UNSDCF	United Nations Sustainable Development Cooperation Framework
LOIPR	List of Issues Prior to Reporting	UPR	Universal Periodic Review
MENA	Middle East and North Africa	WHO	World Health Organisation
NGO	Non-governmental organisation		

INTRODUCTION

From March 2023 through March 2024, the Universal Rights Group (URG) conducted an analysis to assess and understand the degree to which the United Nations (UN) human rights system is focused on the triple planetary crisis of climate change, biodiversity loss, and pollution, and the level of implementation and impact of environment-related recommendations extended to States by the three main human rights mechanisms, the UPR, the Treaty Bodies, and the Special Procedures. This analysis is part of a growing movement at the UN to bridge the international and the national; in this case, to measure and understand the degree to which States’ international human rights obligations and commitments are being translated into improved laws, policies and practices at the national level, and from there into tangible improvements in the enjoyment of human rights and, in the case of this report, the protection of the natural environment.

The project asks key questions: Is it possible that the steady, ongoing work of the UN human rights mechanisms is succeeding in driving incremental progress in the enjoyment of human rights and the protection of the environment at national level? Is national-level cooperation between States and UNEP to support the implementation of recommendations generated by the human rights mechanisms also succeeding? Is this success

occurring notwithstanding the increasingly strident opposition, on the part of some, to connect the UN’s work on human rights and on environment?

This report presents the results of a quantitative analysis and qualitative analysis. The quantitative analysis looks at the degree to which the UN human rights mechanisms are focusing on the triple planetary crisis of climate change, biodiversity loss, and pollution, as well as other human rights-environment concerns (e.g., environmental human rights defenders, the right to a clean, healthy, and sustainable environment, the rights of environmentally-vulnerable population groups), in the countries they monitor, and the degree to which they are extending recommendations to those States to improve the human rights-environment situation. The qualitative analysis looks at the extent to which UNEP, and other UN agencies and programmes, have been able to leverage State engagement with those mechanisms to inform those recommendations and cooperate with different national stakeholders to encourage and support their implementation.

The first chapter provides a comprehensive overview of the origins and content of the global human rights implementation agenda, including the different stages of the review-implementation-reporting cycle. The second chapter looks at the



main United Nations human rights mechanisms: the Universal Periodic Review, Special Procedures, and Treaty Bodies. It analyses the recommendations generated by these mechanisms to understand the degree to which they have focused on issues related to human rights and the environment. The third chapter presents five country case studies. The aim of the country examples is to track important clusters of environment-related human rights recommendations down to the national level, in order to understand the degree to which recipient States have been able to take deliberate and relevant steps to implement them, often with support from UNEP, other UN agencies and programmes, and United

Nations Country Teams (UNCTs). The examples focus on the impact of efforts to implement human rights recommendations related to the environment in the countries concerned, and the degree to which UNEP and UNCTs have influenced the process.

The report concludes with observations from the case studies that can be used to better leverage engagement with the UN human rights mechanisms to drive progress, in consultation and cooperation with the States concerned, towards the enjoyment of human rights by all, and the protection and conservation of the natural environment.



Protected lands in the headwaters of the Finger Lakes / Matt Champlin

## CHAPTER I.

# THE INTERNATIONAL HUMAN RIGHTS SYSTEM AND THE GLOBAL 'IMPLEMENTATION AGENDA'

Since the establishment of the United Nations (UN) nearly eight decades ago, the international community has invested a tremendous amount of time, resources, and political capital in the creation and strengthening of the international human rights system. These efforts have, *inter alia*, resulted in the elaboration of the Universal Declaration of Human Rights, nine core human rights instruments (international human rights conventions) and the establishment of various UN human rights mechanisms – especially, the Universal Periodic Review (UPR), Treaty Bodies, and Special Procedures. The latter mechanisms were established to hold States, i.e., duty-bearers, accountable against the international legal obligations they have freely entered into, and to provide expert advice on domestic legislative and policy reforms that could enhance future compliance.

Notwithstanding these efforts, throughout this period the system has come under regular criticism from stakeholders who question whether it is actually delivering on its promise that 'all human beings are born free and equal in dignity and rights,'<sup>1</sup> and the degree to which it is driving verifiable improvements in the enjoyment of human rights. Such critiques holds that a significant 'implementation gap' has developed between universal values and local realities.

Recent reforms of the international human rights system have been driven in part by concerns over this gap and a determination to bridge it. This is evidenced, for example, by General Assembly (GA) resolution 60/251, establishing the Human Rights Council (the Council), which emphasised that the new body should 'promote the full implementation of human rights obligations undertaken by States.'<sup>2</sup> To fulfil this mandate, the GA instructed the Council to develop methods of work that 'enable genuine dialogue, [are] results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation, and also allow for substantive interaction with special procedures and mechanisms.'<sup>3</sup>

To evaluate the degree to which the Council and the wider human rights system (especially the mechanisms) have been able to narrow 'the implementation gap,' it is helpful to first detail how that system is meant to work in principle. In short, four conditions should be fulfilled if the universal human rights system is to work effectively and have a real impact on the lives, rights, and dignity of individual rights-holders around the world:



1. Norm setting - States must first elaborate and find common agreement on the substantive and procedural aspects of 'universal human rights norms' through the drafting and adoption of international human rights treaties. These 'hard law' instruments can be further complemented by soft law instruments such as, *inter alia*, principles, guidelines, resolutions, and Treaty Body general comments.
2. Accession - States must then (voluntarily) sign and ratify or accede to the various treaties, thus binding themselves to, and accepting obligations under, international human rights law.
3. Domestic alignment and implementation – once a State has ratified or acceded to an international human rights treaty, they have a duty to protect, promote, and fulfil those obligations by bringing laws, policies and practices into line with the universal norms set out in the treaty. To help with this process of 'domestication,' the UN has set-up different human rights mechanisms (i.e., the aforementioned Special Procedures, Treaty Bodies, and UPR) to provide expert advice and review State compliance. States are expected to engage and cooperate with these mechanisms by submitting regular progress reports and by implementing the recommendations issued by the mechanisms (as appropriate). UN entities, including UNEP, can also support States in fulfilling their obligations and commitments by supporting the domestic implementation of recommendations.
4. Tracking progress and impact - States should also track progress with the domestic implementation of their international human rights obligations and commitments, and measure the impact of implementation measures on the enjoyment of human rights. This in-turn allows States to report back to the mechanisms with objective data on progress and challenges.

So far, remarkable progress has been made when it comes to the 'norm setting' and 'accession' conditions, with the adoption of the Universal Declaration, the nine core treaties, and a plethora of resolutions, principles, guidelines, opinions and general comments; and the exponential growth in the number of States that have signed and ratified or acceded to the core human rights treaties. Today, all UN member States have ratified at least one core international human rights treaty, and 80 per cent have ratified four or more.

Progress on the third and fourth conditions, however, is both more difficult to assess and is (likely) less pronounced. This situation has been further exacerbated by the overall lack of prioritisation given by the Council and its mechanisms to their mandate to 'promote the full implementation of human rights obligations undertaken by States.'<sup>4</sup> In general terms, there has tended to be a lack of systematic follow-up by the mechanisms and the wider UN, to track and support implementation, and to measure impact.

This situation has started to change somewhat over the past eight years, as relevant stakeholders (e.g., States, UN entities, civil society organisations, academia) have begun to pay more detailed attention to the 'mechanics' of implementation – i.e., the systems and processes through which States translate universal norms into local reality. One important catalyst for this increased focus has been the emergence, in different parts of the world, of so-called 'national mechanisms for implementation, reporting and follow-up' (NMIRFs).<sup>5</sup> These single national-level mechanisms, established by law or statute and with set terms of reference (e.g., governing participation), are responsible for receiving, managing (including clustering by theme or objective), and coordinating the implementation of, recommendations extended by all three main human rights mechanisms, as well as reporting back to each of them on progress. In some cases, NMIRFs have also begun measuring changes (using human rights indicators) in the domestic enjoyment of human rights, and in the human rights impact of legal, policy, and other reforms designed to implement recommendations. Some NMIRFs have also developed software (often in cooperation with the Office of the High Commissioner for Human

Rights – OHCHR) to manage recommendations, coordinate their implementation across government, measure the impact of implementation measures, and share transparent information on progress with the general public (via websites).

Related to the emergence of NMIRFs, States have also begun to develop a more comprehensive and inclusive approach to 'implementation,' seeing the process not as the responsibility of one or two government ministries, but instead as a 'whole of government' or even 'whole of society' exercise necessitating the engagement of all relevant parts of government, law enforcement agencies, judges and lawyers, parliamentarians, national human rights institutions (NHRIs), and civil society.

Moreover, in recent years there has been a growing interest in the role of development partners (e.g., UN entities, including UNEP, bilateral donors, the World Bank) in supporting domestic implementation. In 2018, 2019, 2022, and 2024, a group of these development partners convened meetings in Oslo, Stockholm, Montreux, and Brussels, respectively, to exchange good practice in developing 'rights-based approaches' to official development assistance (ODA), especially via support to developing countries to help them strengthen the implementation of UN human rights recommendations. Moreover, when one considers that over 90 per cent of SDG targets are grounded in international human rights law, it becomes clear that by supporting State implementation of human rights recommendations, development partners are also helping them scale-up progress in the context of the 2030 Agenda.



First session of the Human Rights Council, 2006  
/ UN Photo / Jean-Marc FERRE

## The review–implementation–reporting cycle

In parallel with, and as an increasingly important part of, this global human rights ‘implementation agenda,’ stakeholders, including development partners, have also enhanced their understanding of the review–implementation–reporting cycle (i.e., the process covering the aforementioned conditions 3 and 4). Development partners (e.g., UN agencies and programmes, and bilateral donors) have also started to think more strategically about the different ‘entry-points’ that exist for them to leverage the human rights mechanisms to catalyse human rights (and sustainable development) progress at national-level (by inspiring and informing useful recommendations), and then to cooperate with States to support the effective implementation of those recommendations, as appropriate.

For the purposes of this report, the review–implementation–reporting cycle (see Figure 1) is understood to include the following four phases :

1. State (coordinated by the executive branch) and alternative (e.g., by civil society, NHRIs, UN entities) periodic reporting to the main UN human rights mechanisms provides information on the current human rights situation in the country concerned, updates on the implementation of previous recommendations, and (especially in the case of alternative reports) policy ideas that may strengthen future compliance.
2. Review of States’ and alternative periodic reports by the relevant UN mechanism, followed by dialogue between representatives of the reporting State and representatives of the mechanism,<sup>6</sup> to discuss progress and

challenges. The relevant mechanism will then issue recommendations to the reporting State for improved compliance with its international human rights obligations and commitments.

3. Domestic implementation (by the reporting State) of recommendations received from the mechanisms, as appropriate, across relevant government ministries, as well as (ideally), relevant parliamentary committees, law enforcement agencies, and representatives of the judiciary, all done (again, ideally) in consultation with civil society and the country’s NHRI.
4. Tracking progress with the implementation of recommendations and measuring the impact of implementation measures (e.g., new policies, laws, practices) on human rights. Information regarding progress is then fed back into the review–implementation–reporting cycle via States’ subsequent periodic reports, supplemented by further alternative reports, to the relevant UN mechanism.

It should be noted that the above description is mainly applicable to the process of State engagement with Treaty Bodies and the UPR, as State cooperation with Special Procedures is carried out in a somewhat different manner. However, because Special Procedures issue recommendations at the conclusion of their country visits, progress on the implementation of which States are expected to report on, the different phases of the reporting–implementation–reporting as outlined above do hold (broadly) true for all three mechanisms.

Figure 1.

## The review–implementation–reporting cycle







High-level meeting on voluntary funds for the Universal Periodic Review  
UN Photo / Jean Marc Ferré

## CHAPTER II.

# HUMAN RIGHTS AND ENVIRONMENT RECOMMENDATIONS: NUMBERS AND PATTERNS

As explained in Chapter 1, the human rights situations prevalent in UN member States are subjected to a continuous process of review (i.e., the review-implementation-reporting cycle) by the human rights mechanisms. For example, during the period 2022-2024, the United Kingdom (one of the countries covered by the case studies in this report) was reviewed by the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social, and Cultural Rights, and the Committee on the Rights of the Child; and received visits from the Independent Expert on sexual orientation and gender identity, and the Working Group on People of African descent. The United Kingdom was also considered under the fourth cycle of Universal Periodic Review in November 2022.

While each mechanism employs a different methodology, their ultimate purpose is the same: to review a given State's progress with the fulfilment of its human rights obligations and commitments, and to extend recommendations to the State concerned to strengthen compliance in the future. In the case of the Treaty Bodies and Special Procedures, these recommendations are, in essence, independent policy advice from some

of the world's foremost human rights experts. UPR recommendations, meanwhile, have significant political weight because they are delivered from one UN member State to another. Additionally, treating these recommendations together as an interlinked web of policy guidance allows for the identification of priority human rights challenges in the country concerned.<sup>7</sup>

Here, it is important to note that these recommendations are the product of a State's **voluntary** and **direct engagement** with the UN human rights system. *Voluntary*, since it is a State's independent and sovereign decision to accede to a given human rights treaty, to invite and receive Special Procedures mandate-holders to visit, or to participate in the UPR process (and accept or merely note recommendations). *Direct*, since the mechanisms base their recommendations on the inputs they receive from States themselves (e.g., national reports), as well as the views of national civil society and other domestic stakeholders (e.g., NHRIs). These two important characteristics of reviews by the mechanisms help build a sense of national ownership, with the result that recommendations are often (though not always) welcomed by the State concerned.



States' engagement with the human rights mechanisms and the outcome of reviews (i.e., recommendations) also provide an important 'window of opportunity' or 'entry point' for UN entities, including UNEP, to strengthen cooperation with the State-under-review on human rights challenges identified by the mechanisms. This is because the State feels a sense of ownership of the process, because the reviews are undertaken on the basis of information received from all relevant national stakeholders (including independent civil society), and because recommendations carry important technical (e.g., in the case of the two expert mechanisms) and/or political (e.g., in the case of the UPR) weight.

Against this backdrop, it becomes clear why UNEP's engagement with the review-implementation-reporting cycle (as set out in the previous chapter) can be a critical lever to deliver on its mandate. By providing the UN mechanisms (e.g., via alternative reports) with objective information on the relationship between human rights, environment, and climate, in a given State - based on UNEP's activities in that country (and thus its in-depth knowledge of the situation) as well as its thematic expertise - it can help ensure that the key environment-rights challenges facing the country concerned are placed on the UN human rights system's agenda

and receive necessary attention. Moreover, once relevant recommendations are issued by the mechanisms, UNEP can engage with the relevant government, as well as other national stakeholders, to encourage and support implementation.

Following on from the above, this Chapter provides an analysis of the recommendations produced by the three main UN human rights mechanisms relating to the environment, climate change, and environmental human rights defenders (EHRDs). In particular, the Chapter seeks to provide answers to a number of key questions such as: how many recommendations related to these three broad themes have been generated since the establishment of the Council in 2006, to which States and regions, and on which particular issues (i.e. what are the largest clusters of environment-related recommendations)?

Chapter 3 will then 'zoom in' on five focus countries (Fiji, Madagascar, Mongolia, Peru, and the United Kingdom) to examine, in more detail, the recommendations received by those States and the progress they have made in implementing them, as well as to look at the role of UNEP in informing and shaping those recommendations (e.g. via alternative reports), and in working with the States concerned to support implementation.



Fishermen on Castara Bay, Tobago / Aivar Ruukel

## BOX – THE UNITED NATIONS ENVIRONMENT PROGRAMME, THE THREE MAIN ENVIRONMENTAL CRISES, AND HUMAN RIGHTS

Since its establishment in 1972, the United Nations Environment Programme (UNEP) has been the leading global institution setting the international environmental agenda, promoting the coherent implementation of the environmental dimension of sustainable development within the UN system, and serving as an authoritative advocate for the global environment.

In order to address environmental challenges and deliver transformational change for people and nature in the 193 UN member States with which it works, UNEP focuses on the three main environmental crises facing the planet: climate change, nature and biodiversity loss, and pollution and waste.

UNEP has, over recent years, increasingly focused on the inter-relationship between environmental protection and human rights. That inter-relationship was summarised in a joint statement by UNEP and the then UN Special Rapporteur on human rights and the environment in June 2018: 'The interdependence between human rights and the environment has become undeniable. A healthy environment is necessary for the full enjoyment of human rights, including the rights to life, health, food, water and development. At the same time, the exercise of human rights such as information, participation, remedy, and freedom of expression and association, is critical for the protection of a healthy environment.'<sup>8</sup> This latter point is the conceptual basis of 'environmental rights,' and of UNEP's work to promote, protect, and respect those rights.

An important early area of human rights-related work for UNEP focused on empowering environmental human rights defenders (EHRDs) – 'individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.'<sup>9</sup> UNEP's mission to empower and protect EHRDs is set out in its 'Defenders Policy.' This seeks 'to support the upholding of environmental rights, and oppose the growing wave of violence against environmental defenders as well as the prevailing impunity with which these acts are being committed.'<sup>10</sup>

UNEP's rapidly evolving work on human rights, including environmental rights and the situation of EHRDs, has occurred in-step with the Human Rights Council's growing focus, over the past sixteen years, on climate change and the environment, as critical human rights concerns. This has included regular Council resolutions on the environment and on climate, OHCHR reports, panel debates, and the establishment of two Special Procedures mandates: on human rights and the environment in 2012, and on human rights and climate change in 2022.

In 2021, the Council's important work on human rights and environment culminated in the historic decision of member States (with resolution 48/1311) to formally recognise the right to a clean, healthy, and sustainable environment, as a universal human right. This was followed, soon after (in 2022), by recognition on the part of the GA (with resolution 76/30012). In recognising the right to a clean, healthy, and sustainable environment (hereinafter, the right to a healthy environment), States also reaffirmed the mutually-interdependent and mutually-reinforcing relationship between environmental protection and the enjoyment of human rights. Both resolutions acknowledge that environmental protection and sustainable development 'contribute to and promote human well-being and the full enjoyment of all human rights, for present and future generations,' and that the negative impacts of climate change, the unsustainable management and use of natural resources, and pollution, interfere with the 'the effective enjoyment of all human rights.'

The close inter-relationship between the protection of the environment and the enjoyment of human rights has also been recognised in important regional human rights-based environmental treaties, such as the 'Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean' (the Escazú Agreement, adopted in 2018),<sup>13</sup> and the (European) 'Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters' (the Aarhus Convention, adopted in 1998).<sup>14</sup>

“  
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## RECOMMENDATION ANALYSIS

For the purposes of this report, the Universal Rights Group (URG) analysed **136,034 recommendations** to States, extended by 18 thematic Special Procedures mandates (to all UN member States following relevant country missions, in addition to recommendations extended via thematic reports),<sup>15</sup> nine Treaty Bodies<sup>16</sup> (recommendations extended via concluding observations following the most recent periodic reviews of a cross-regional sample of 30 States),<sup>17</sup> and the UPR Working Group (covering all first, second, and third cycle reviews, as well as the the first three Working Group sessions of the fourth cycle).<sup>18</sup> Overall, URG's analysis covers and includes 16,690 Special Procedures recommendations,<sup>19</sup> 6,000 Treaty Body recommendations, and 113,344 UPR recommendations.<sup>20</sup>

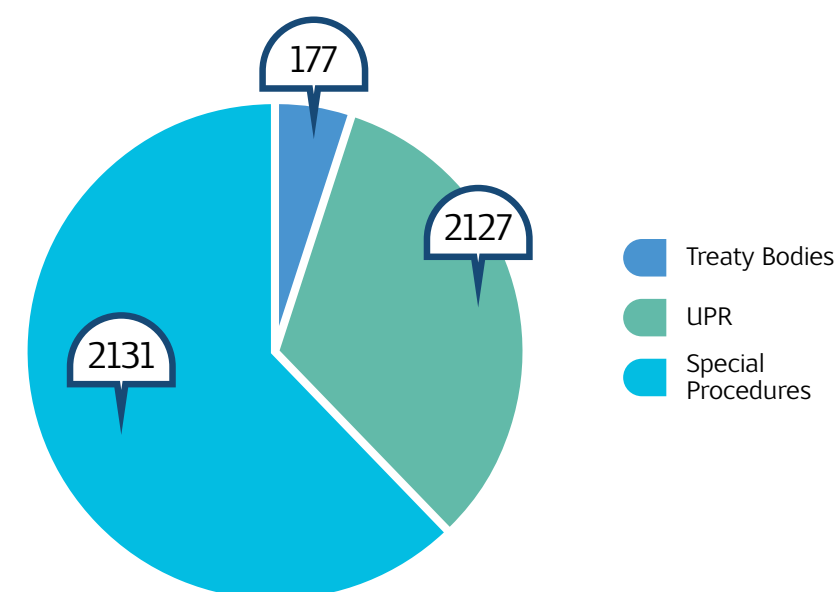
URG's analysis found that of the 136,034 human rights recommendations sampled, only **3,435 recommendations** (approximately two per cent) were directly focused on environmental concerns. This demonstrates that, notwithstanding the increased focus on environmental concerns at the Council since 2008, the UN human rights mechanisms are yet to take up the issue to the same degree. This is important (in a negative sense),

as the human rights mechanisms are the main engine of the UN responsible for driving human rights implementation on the ground.

The **Special Procedures** mechanism has been by far the most prolific in generating recommendations that are specifically focused on environmental concerns (2,131 recommendations, 62 per cent of the total). This no doubt reflects the fact that several mandates are directly focused on environmental issues (e.g., the Special Rapporteur on the right to a clean, healthy, and sustainable environment, the Special Rapporteur on climate change, and the Special Rapporteur on the implication for human rights of the environmentally sound management and disposal of hazardous substances and wastes), while the work of others (e.g., the Special Rapporteur on the rights of Indigenous Persons, the Special Rapporteur on human rights defenders) regularly touches upon environmental or climate concerns. The **UPR** mechanism has generated the second highest number of environment-related recommendations (1,127 recommendations, 33 per cent of the total), while **Treaty Bodies** have produced the least (only 177 recommendations, or five per cent of the total).

Figure 2.

Human rights and environment recommendations by mechanism<sup>21</sup>





## Methodology

For the purposes of this study, as explained above, URG first analysed all 136,034 recommendations included in the overall sample, to identify those that touch upon or relate to environmental concerns. As also noted above, URG identified 3,435 such recommendations.

Through that same analysis, URG was also able to identify the key clusters of environment-related recommendations extended by the three main UN human rights mechanisms. Based on that identification, URG developed a tagging system to allow for a deeper analysis of environment-related recommendations. The system is based around five groups of tags (two main or primary groups, and three secondary groups):

1. Recommendations were first tagged according to which of the three planetary crises they referred: biodiversity and conservation, climate change, or pollution. A fourth tag was also applied ('other') to identify those recommendations that did not explicitly focus on any of the three planetary crises, but rather, for example, spoke to environmental concerns more broadly, or, for example, to the work of EHRDs.
2. The second main or primary group of tags applied related to the groups in vulnerable situations that may be referenced in or be the focus of the environment-related recommendations. The tags used for this group were: children, EHRDs, Indigenous Peoples, persons with disabilities, women/gender, 'other' (including, e.g., older persons, youth, LGTBQ), and 'not relevant' (if the particular recommendation did not refer to any groups in vulnerable situations).

The third, fourth, and fifth groups of tags then added a further layer of analysis:

3. For those recommendations identified as being focused on or related to climate change, URG applied further tags to clarify whether they addressed: climate change mitigation, climate change adaption, both mitigation and adaptation, or none of the foregoing (i.e., not relevant).
4. All environment-related recommendations were also tagged based on whether or not they made reference to the private sector. Possible tags in this grouping were: yes – extractive industry; yes – other business references; and no – or not relevant.
5. Finally, all environment-related recommendations were tagged where they made reference to other important environment-related issues that were frequently seen during URG's overall analysis of the sampled 136,034 recommendations. Tags developed and used for this purpose were: disaster risk reduction, environmental law and policies (including multilateral environment agreements, environmental laws, policies and strategies), international cooperation, the right to a healthy environment (R2E), and none of the foregoing – i.e., not relevant.

It is important to note that, under this methodology, recommendations may be tagged multiple times. This is the case both within a group of tags (e.g., if a recommendation referred to both climate change and pollution, it was tagged with both), and of course between the five groups of tags (e.g., a recommendation referring to climate change might also be tagged as focusing on or referring to climate change mitigation, Indigenous Peoples, and the extractive industry).



Professor John Knox, UN Special Rapporteur on human rights and the environment from 2012-2018 / URG

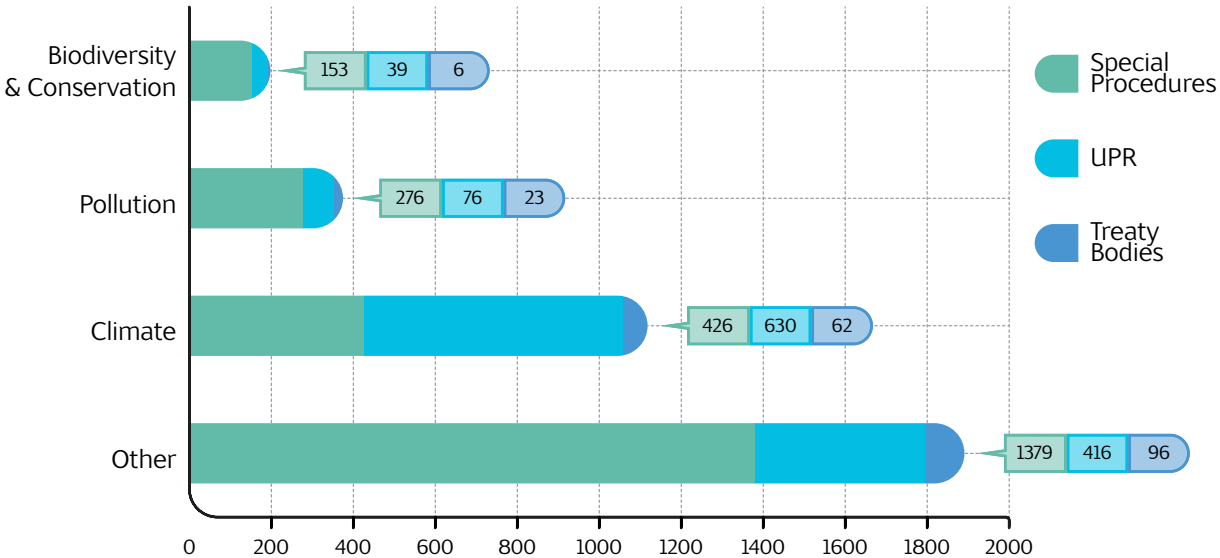


# OVERALL TRENDS (ACROSS ALL THREE MECHANISMS)

A majority (1,891, or 55 per cent) of environment-related recommendations were found not to focus on any one of the three planetary crises in particular, but rather on environmental concerns more broadly. See Figure 3.

Of those recommendations that did relate to one of the planetary crises, 1,118 (33 per cent of all environment-related recommendations extended by the three mechanisms) were focused on climate change. Of these, more than half (630, or 56 per cent of climate change-related recommendations) were extended under the UPR mechanism. This is perhaps reflective of the fact that States (in the context of climate change, especially Small Island Developing States - SIDS) have been more progressive in connecting human rights and environmental concerns than have the UN's two expert-led human rights mechanisms. Interestingly, in this regard, nearly half (42 per cent) of the 630 climate change-related recommendations issued under the UPR mechanism, were extended by SIDS.

**Figure 3.**  
**Breakdown of environment-related recommendations by planetary crisis and by mechanism**



Looking at these climate change-related recommendations in more detail, URG's analysis found that 162 of 630 relevant recommendations focused on adaption to global warming, and a slightly lower number (150) called on States to mitigate the effects of climate change. A further 115 recommendations covered both climate change adaption and climate change mitigation.

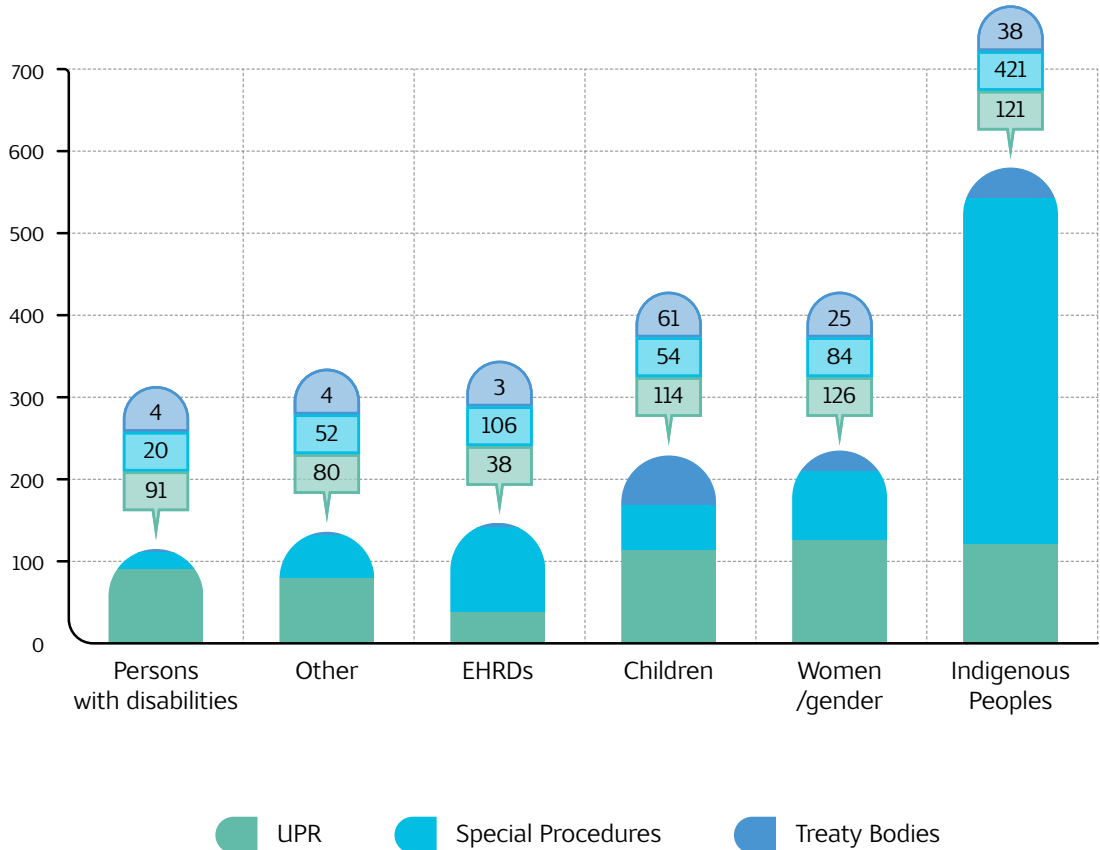
375 of all environment-related human rights recommendations (11 per cent) addressed pollution (e.g., air or water pollution). Most of these (276) were extended by Special Procedures mandate-holders. This is likely because pollution is a key issue explicitly covered by two mandates: the Special Rapporteur on human rights and the environment, and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

Relatively few recommendations (198, or six percent of all environment-related recommendations) were focused on or related to biodiversity and conservation. More than three quarters of these were extended by Special Procedures mandate holders.

Turning to vulnerable groups addressed in environment-related recommendations (see Figure 4), URG's analysis found that, overall, vulnerable or marginalised groups were mentioned 1,045 times (30 per cent of recommendations). The most-mentioned group was Indigenous Peoples (mentioned in/covered by 580 recommendations). This was followed by women/gender (235 recommendations), and children (229 recommendations).

Special Procedures (e.g., the Special Rapporteur on Indigenous Peoples) is the mechanism that most frequently focuses on the rights of vulnerable groups in the context of environmental harm (responsible for 626 such recommendations), followed by the UPR (294), and the Treaty Bodies (125).

**Figure 4.**  
**Recommendations related to vulnerable groups by mechanism**



Finally, other important points addressed in or covered by environment-related recommendations include: environmental laws and policies (mentioned in 1,248 recommendations), the private sector (818, of which 257 related specifically to the extractive industry), and disaster risk reduction (268).

UNIVERSAL PERIODIC REVIEW

Although UPR is the mechanism responsible for the second highest number of environment-related recommendations (1,127), seen as a proportion of all UPR recommendations, the issue remains highly under-addressed. Indeed, of the 113,344 UPR recommendations analysed for this report (all recommendations extended during the first three UPR cycles, and the first three sessions of the fourth cycle), only around 1% were found to be environment-related.

Notwithstanding, the number of environment-related recommendations has clearly increased cycle-on-cycle, in parallel with relevant initiatives at the Human Rights Council (e.g., on human rights and climate change, and human rights and the environment) becoming more mainstream.

For example, during the first cycle, only 100 environment-related recommendations were extended to States-under-review; during the second cycle that number increased to 170; while across the third cycle, reviewing States extended 601 recommendations. Moreover, this trend appears

to be continuing: during the first three sessions of the fourth UPR cycle alone, reviewing States extended 256 recommendations (almost the same number as were issued during the entire first and second cycles). Broken down by UPR Working Group session, this means that, during the early stages of the UPR's fourth cycle, reviewing States have issued, on average, 85 recommendations per session, compared with eight per session during the first cycle. Remarkably, this amounts to a 924 per cent increase (see Figures 5 and 6).

As noted above, this significant increase in focus over time reflects the increased attention given to environment and climate at the Council since 2008, as well as the (related) enhanced participation at the Council on the part of SIDS (e.g., Maldives, Fiji, Bahamas, Marshall Islands). However, this growth was given a further and significant boost by the adoption, in 2021 and 2022 respectively, of Council resolution 48/31 and GA resolution 76/300, through which the UN recognised the universal right to a clean, healthy, and sustainable environment. (The fourth UPR cycle started in November 2022, just after the GA resolution was adopted).

Figure 5. Average number of UPR recommendations on human rights and the environment per session across the three UPR cycles

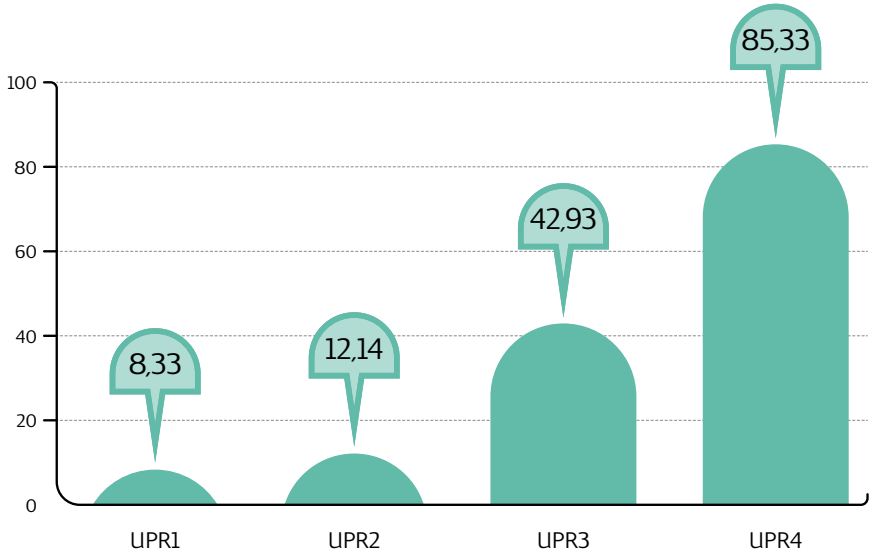
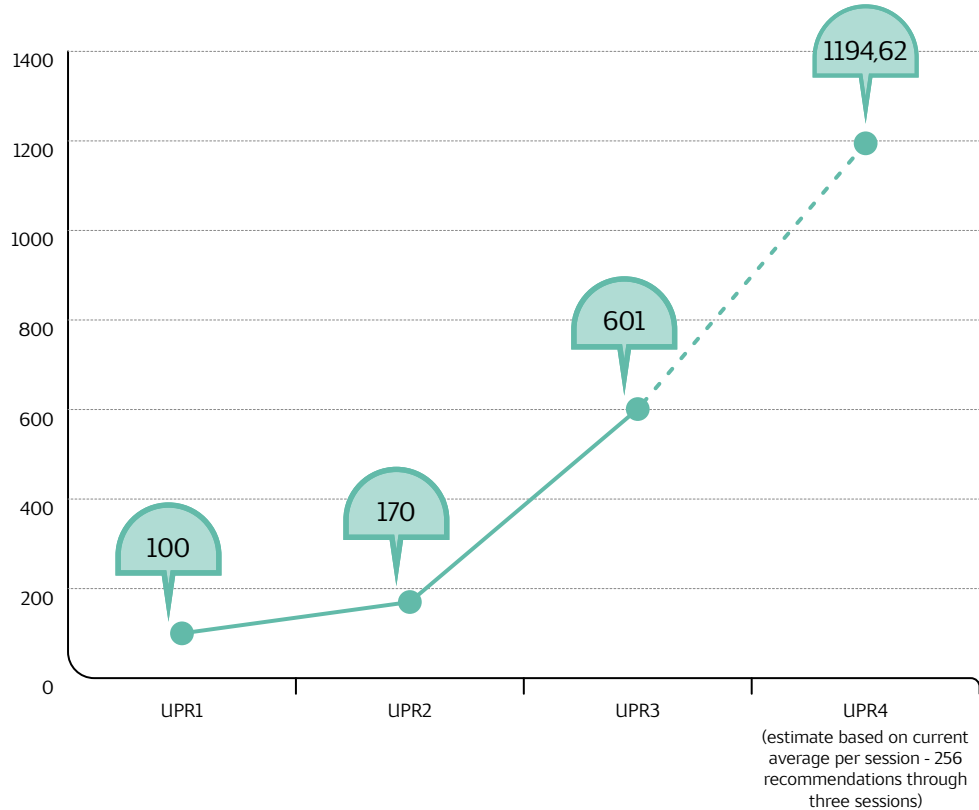


Figure 6. Growth and projected growth in the number of UPR recommendations on human rights and the environment cycle-by-cycle



Of the three planetary crises, climate change is the most addressed in UPR recommendations (across all cycles) – see Figure 7. 56 per cent (630) of all environment-related UPR recommendations extended in the UPR Working Group have been focused on climate change. For example, during the fourth cycle, Serbia recommended that Burundi ‘step up efforts to protect the rights of citizens from the effects of climate change.’<sup>22</sup> What is more, recommendations related to climate change saw a huge increase cycle-on-cycle: from 38 recommendations in the first cycle to 403 in the third cycle.

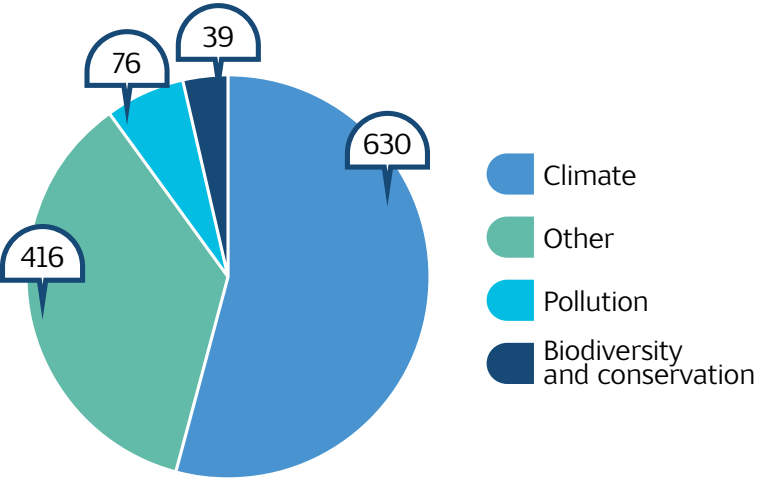
Breaking these climate-related UPR recommendations down further, URG found that 94 were focused on mitigation, and 68 on adaptation. A further 68 recommendations covered both climate change mitigation *and* adaption.

Reviewing States in the UPR Working Group have placed far less emphasis on the other two planetary crises: pollution and biodiversity loss. Only 76 UPR recommendations were identified that refer to pollution (for example, during the second cycle, the Maldives recommended that the US ‘ensure federal legislation to prohibit environmental pollution and reduce greenhouse gas emissions to control climate change’).<sup>23</sup> Even fewer (39) referred to biodiversity and conservation (for example, during the third cycle, Fiji recommended to Guyana to ‘strengthen measures to combat the negative effects of the economic activities of companies on the environment and biodiversity’).<sup>24</sup> Notwithstanding, URG’s analysis did reveal a significant increase in both categories of recommendations, cycle-on-cycle.

Those recommendations referring to environmental issues more broadly, without citing the three planetary crises, were the second most prevalent thematic cluster after climate change, with 416 recommendations. For example, during the early sessions of the fourth cycle, Costa Rica

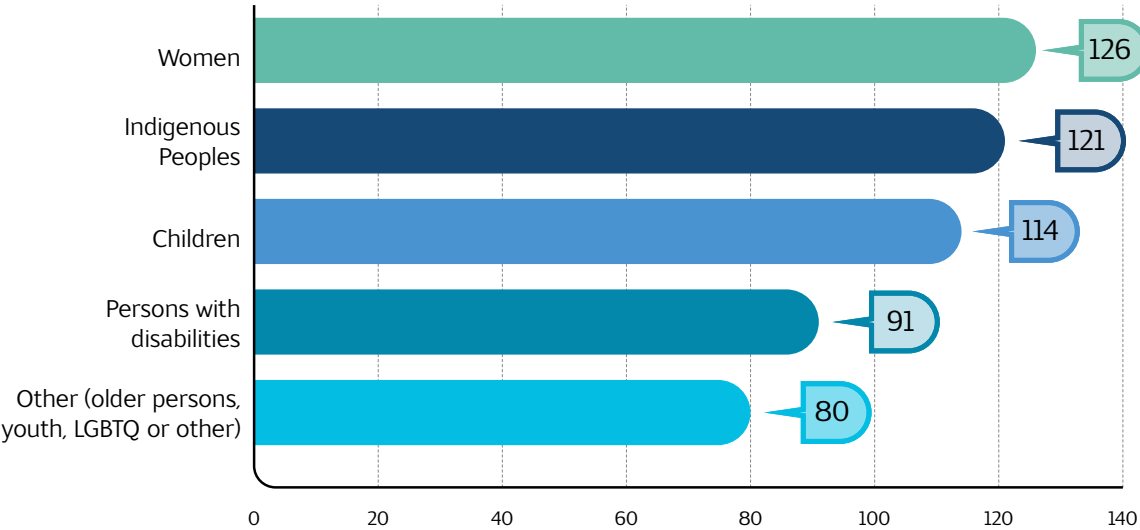
recommended that Barbados ‘incorporate, at the constitutional and legal levels, the human right to a clean, healthy and sustainable environment’,<sup>25</sup> while Angola recommended that Ghana ‘adopt a human rights-based approach in extractive sector regulation.’<sup>26</sup>

**Figure 7.**  
**Number of UPR recommendations by planetary crisis**



Of the identified 1,127 UPR recommendations related to human rights and the environment, 294 referred to groups in vulnerable situations (many of these recommendations actually referred to more than one vulnerable or marginalised group). The most frequently cited environmentally-vulnerable groups are women (126 recommendations), Indigenous Peoples (121), and children (114) – see Figure 8.

**Figure 8.**  
**Number of recommendations referring to groups in vulnerable situations**

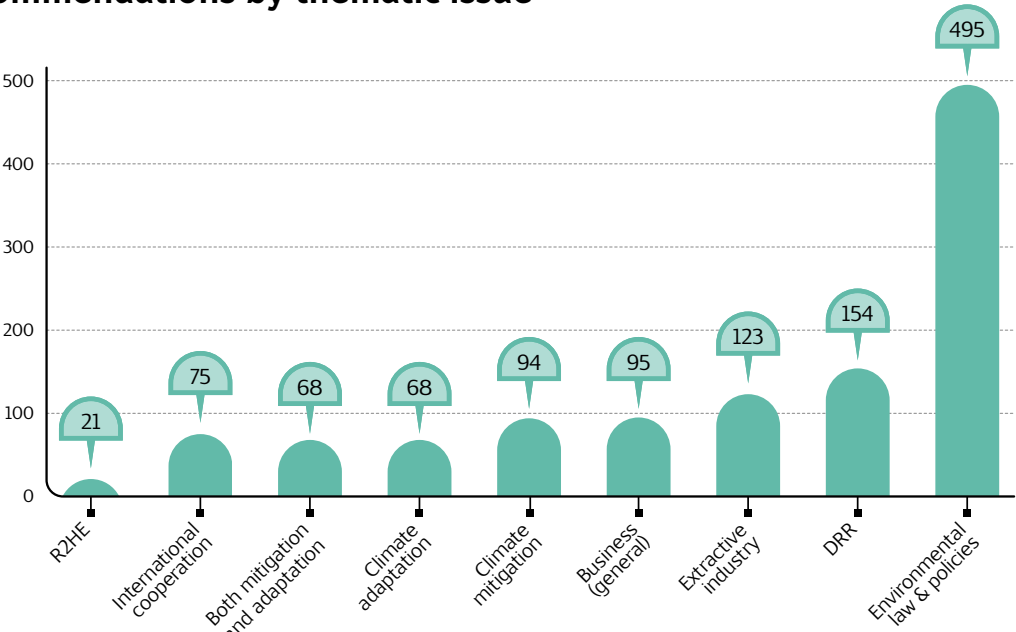


After applying the secondary tags to environment-related recommendations, URG found that 495 recommendations (out of 1,127 in total) referred to environmental law and policies. See Figure 9. For example, during the fourth cycle, Slovenia recommended that Japan ‘incorporate the human right to a clean, healthy and sustainable environment in its *legal system*,’<sup>27</sup> (this recommendation was also tagged with the right to a clean, healthy, and sustainable environment). 154 recommendations referred to the disaster risk reduction and/or management. For example, during the third cycle, China recommended to the Solomon Islands to ‘improve the capacities to respond to climate change and to resist natural disasters.’<sup>28</sup> This was closely followed by references to the extractive industry, which were present in 123 recommendations (for example, Maldives’ fourth cycle recommendation to Peru to ‘enhance efforts to mitigate and prevent the destruction of the environment as a result of the negative impacts of mining’)<sup>29</sup>. Very few (75) recommendations have focused on international cooperation (i.e., to cooperate on environmental or climate concerns, in order to create a situation conducive to the enjoyment of human rights). A good example of such a recommendation, for example, was extended by the Maldives to Tuvalu during the first cycle, through which it encouraged Tuvalu to ‘continue to engage with the international

community, particularly the major emitting countries of the developed world, many of whom are States members of the Council, working with them in order to protect the human rights of Tuvaluans by securing significant global reductions in greenhouse gas emissions.’<sup>30</sup> Considering the potential importance of leveraging the duty of international cooperation under international human rights law, as a means of driving environmental progress, this is a missed opportunity.

Finally, over three full UPR cycles (and three Working Group sessions of the fourth cycle), States made 21 recommendations related to the right to a clean, healthy, and sustainable environment (R2E). Considering the importance of this right as a means of promoting and protecting human rights, and safeguarding the environment and climate, this is a notably low figure. Notwithstanding, recommendations mentioning or focused on R2E have been steadily increasing over time. While just two such recommendations were made during the first cycle, this number increased to five for the second cycle, and ten during the third cycle. Four R2E-related recommendations were extended during the first three Working Group sessions of the fourth cycle. Costa Rica has extended the most R2E-related recommendations (five), followed by Cuba (four).

**Figure 9.**  
**Top recommendations by thematic issue**





Environment-related recommendations by receiving and issuing State

Brazil has received the highest number of recommendations related to human rights and the environment (24 in total across the sample period). Many of these (16) have focused on strengthening legal frameworks for the protection of EHRDs and environmentalists. For example, during the fourth cycle, Norway recommended that Brazil ‘strengthen the legal framework of the national programme for the protection of human rights defenders, communicators, and environmentalists, institutionalise this programme through law, and increase civil society participation’.<sup>31</sup> Brazil has also received several (seven) recommendations on biodiversity and conservation. Fiji and the Marshall Islands have each received 22 environment-related recommendations under the UPR. The vast majority of these (86 per cent in the case of Fiji, and 55

per cent in the case of the Marshall Islands) have related to the impacts of climate change. For example, all the way back in the first cycle, in one of the first UPR recommendations on the subject, the Maldives recommended that the Marshall Islands ‘take a rights-based approach to adaptation to climate change’,<sup>32</sup> while during the third cycle, Costa Rica urged Fiji to ‘continue along the path of facing climate change with a human rights perspective, by creating mechanisms for the participation of citizens in decision-making, access to justice, and reparations’.<sup>33</sup> The next highest recipients of environment-related recommendations have been Kiribati and the Philippines with 19 recommendations apiece. 84 per cent of those received by the former and 74 per cent of those received by the latter were related to climate. See Table 1.

Table 1. States receiving the most UPR recommendations on human rights and the environment

State	Number of total recommendations	Percentage of total
Brazil	24	2.1%
Marshall Islands	22	2.0%
Fiji	22	2.0%
Kiribati	19	1.7%
Philippines	19	1.7%

Turning to those States extending the most environment-related recommendations (see Table 2), Fiji comes top with 150 recommendations (13 percent of all environment-related UPR recommendations). 140 of these are focused on climate change (for example, a third cycle recommendation to San Marino to ‘ensure that women, children and persons with disabilities are meaningfully engaged in the development of legislation, policies and programmes on climate change and disaster risk reduction’).<sup>34</sup> The Maldives comes in second (though far behind Fiji) with 34 recommendations, of which 20 were related to climate. The Maldives was the first State to begin extending climate-focused recommendations.

The next most active States in terms of issuing environment-related recommendations have been Haiti (29 recommendations); the Philippines (27 recommendations), and Costa Rica and Vanuatu (each with 25 recommendations). Examples include a Philippines’ second cycle recommendation to Nepal to ‘ensure that its climate change-related policies are informed by its human rights commitments and obligations’.<sup>35</sup> The majority of Costa Rica’s recommendations have focused on the right to a clean, healthy, and sustainable environment, and its incorporation into national law (for example, a third cycle proposal to Iceland to ‘incorporate the right to a safe environment in its constitution and law’).<sup>36</sup>

Table 2. States extending the most UPR recommendations on human rights and the environment

State	Number of total recommendations	Percentage of total
Fiji	150	13.3%
Maldives	34	3.0%
Haiti	29	2.6%
Philippines	27	2.4%
Costa Rica	25	2.2%
Vanuatu	25	2.2%

Finally, URG analysed which regional groups (States therein) have received the most and extended the most recommendations related to the environment.

In terms of receipt, States of the Asia-Pacific Group have received the most recommendations (432), followed by Latin American and Caribbean States (278), and African States (206). The fact that regions with many developed countries received the fewest recommendations related to the environment or climate, again suggests a missed opportunity. Environmentally vulnerable States should use the UPR far more to press for greater ambition in environmental and climate action in developed

countries – in order to safeguard human rights in a globalised world. See Table 3.

Regarding those regional groups (States therein) extending the most environment-related recommendations, Asia-Pacific and Latin America/Caribbean again feature prominently (with States from those regions extending 556 and 233 recommendations respectively). States of the Western European and Others Group (WEOG) and African Group extended 142 and 141 environment-related recommendations respectively, followed by States of the Eastern European Group (55). See Table 3.

**Table 3.**  
**Regional groups (States therein) receiving UPR recommendations on human rights and the environment**

Region	Number of total recommendations	Percentage of total
APG	432	38.3%
GRULAC	278	24.7%
AG	206	18.2%
WEOG	175	15.5%
EEG	36	3.2%
Total	1127	100%

**Table 4.**  
**Regional groups (States therein) extending UPR recommendations on human rights and the environment**

Region	Number of total recommendations	Percentage of total
APG	556	49.3%
GRULAC	233	20.7%
WEOG	142	12.6%
AG	141	12.5%
EEG	55	4.8%
Total	1127	100%



Plastic pollution / Etienne

SPECIAL PROCEDURES

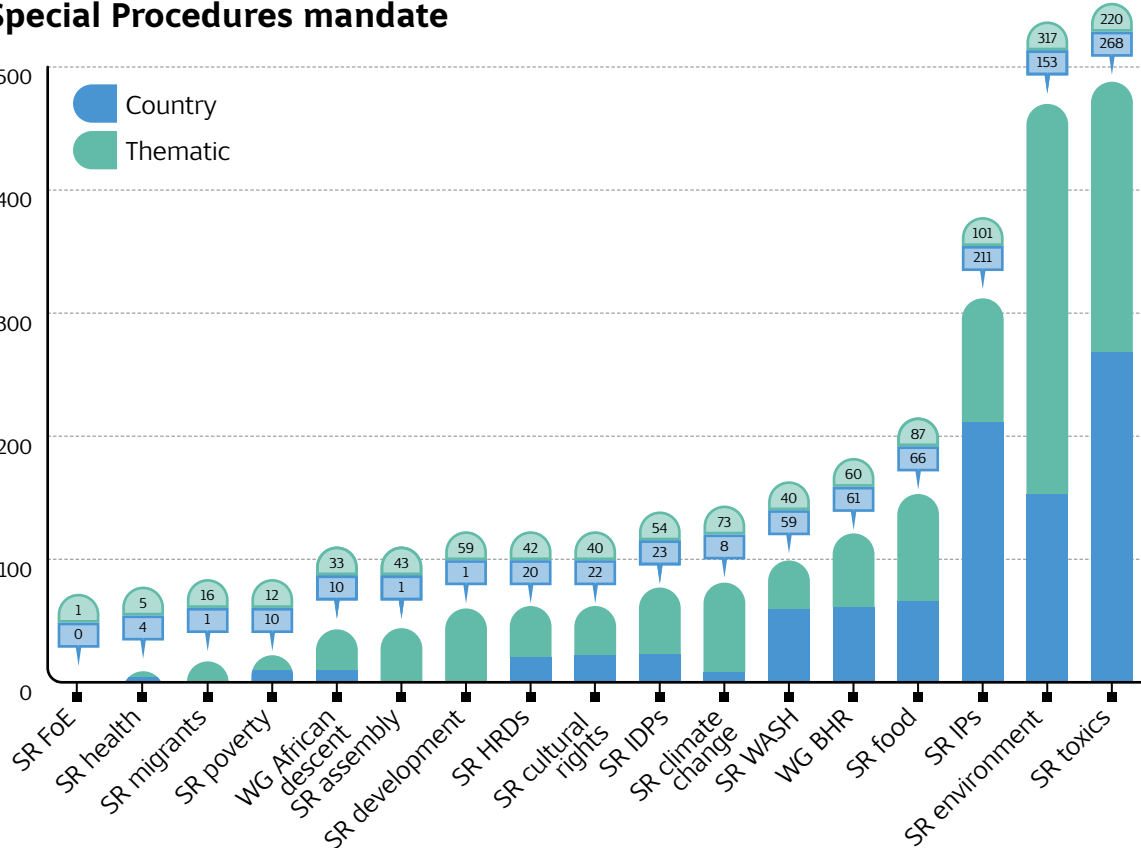
There are currently 60 Special Procedures mandates (46 thematic and 14 country-specific), including a number of thematic mandates relevant to human rights and the environment. Some thematic mandates are directly related to the environment, (for example, the Special Rapporteurs on human rights and the environment, and climate change), while others (e.g., the Special Rapporteur on Indigenous Peoples) regularly cover environmental issues.

As part of its analysis, URG scrutinised reports from 18 thematic Special Procedures mandate-holders over the period 2006–2024.<sup>37</sup> Mandates were selected based on their predicted degree of interest in matters related to human rights and the environment.<sup>38</sup> 16,690 total recommendations (from both thematic and country visit reports) were analysed, of which **2,131 recommendations** (13 per cent) were found to be related to human rights and the environment. These recommendations

were provided by 17 of the 18 Special Procedures mandates analysed, (the Special Rapporteur on disabilities was found not to have provided any such recommendations).

Overall, the analysis found that the **Special Rapporteur on toxics and human rights** provided the highest number of recommendations (i.e., 488 recommendations, 23 per cent) on human rights and the environment. The **Special Rapporteur on human rights and the environment** (now the Special Rapporteur on the right to a clean, healthy, and sustainable environment) came in second with 470 recommendations (22 per cent) relating to human rights and the environment (despite the fact that the mandate was only established in 2012). Third, the **Special Rapporteur on the rights of Indigenous Peoples** has extended 312 environment-related recommendations (15 per cent). See Figure 10.

Figure 10. Environment-related recommendations by Special Procedures mandate



A large majority of these recommendations (1,379) have focused on environmental matters more broadly, rather than on any of the triple planetary crises specifically. For example, in a 2019 thematic report, the Special Rapporteur on the right to development urged all States to ‘ensure the proportional representation of women in decision-making processes at all levels, including in community-based environmental disasters activities.’<sup>39</sup> Of the three planetary crises, climate change has been most frequently raised in Special Procedure recommendations (426). For example, following his visit to Portugal in 2023, the Special Rapporteur on human rights and the environment recommended that the country ‘employ a rights-based approach to all climate and environmental action, ensuring the protection of vulnerable and marginalised individuals and communities.’<sup>40</sup>

Of those recommendations focused on climate change, 83 focused on climate adaptation, 45 on mitigation, and 39 on adaption and mitigation together. The remaining climate change-related recommendations have addressed the issue more broadly.

276 recommendations have referenced pollution (for example, in a 2021 thematic report, the Special Rapporteur on toxics called on States to apply ‘the polluter-pays principle, including by adopting extended producer responsibility mechanisms within and beyond boundaries.’<sup>41</sup> Finally, 153 of the recommendations analysed related to biodiversity and conservation. For example, a 2022 thematic report by the Special Rapporteur on the rights of Indigenous Peoples urged all States to ‘learn from indigenous knowledge systems to determine, together with indigenous peoples, conservation protocols related to sacred areas or spaces and important species.’<sup>42</sup>

Concerning groups in vulnerable situations, Indigenous Peoples were by far the most frequently mentioned group (in 421 Special Procedures recommendations). For example, in a 2017 thematic report, the Special Rapporteur on the rights of

Indigenous Peoples called on all States to ‘comply with the duty to consult and obtain the free, prior, and informed consent of Indigenous Peoples at all stages in the development of climate change initiatives which may affect their rights.’<sup>43</sup> EHRDs were the next most referenced group, being mentioned in 106 recommendations (for example, a 2022 thematic report by the Special Rapporteur on the right to food urged States to ‘protect land and environment defenders and eliminate acts of killing, criminalisation and harassment of, and discrimination against, such defenders.’<sup>44</sup> Women and girls were the third most cited group, covered in 84 recommendations (for example, in a 2023 thematic report, the Special Rapporteur on human rights and the environment called on States to ‘increase funding for grass-roots women’s organisations working on climate and environmental issues’).<sup>45</sup> In total, 626 recommendations, or 29 per cent of all environment-related recommendations issued by Special Procedures madnate-holders, mentioned groups in vulnerable situations.

When applying secondary tags, URG’s analysis found that environmental law and policies, and private sector-related issues, were the most frequently raised thematic concerns raised in Special Procedures recommendations. See Figure 11. Across all 18 mandates, 663 (31 per cent) environment-related recommendations related to environmental law and policies. For example, in a 2019 thematic report, the Special Rapporteur on the right to development called on all States to ‘establish mechanisms that provide easy access to information related to environmental disasters, development policies and processes, and enact legislation guaranteeing the right to obtain access to information, including information about financing.’<sup>46</sup> 637 environment-related recommendations (30 per cent) mentioned the private sector, (for example, in a 2024 thematic report, the Special Rapporteur on the right to a clean, healthy, and sustaiable environment called on all States to ‘ensure that businesses respect the right to a clean, healthy and sustainable environment. [In that regard,] States should pursue zero pollution and the elimination of toxic





Calin Georgescu, Special Rapporteur on toxics, 2010  
UN Photo/Jean-Marc Ferre -2012

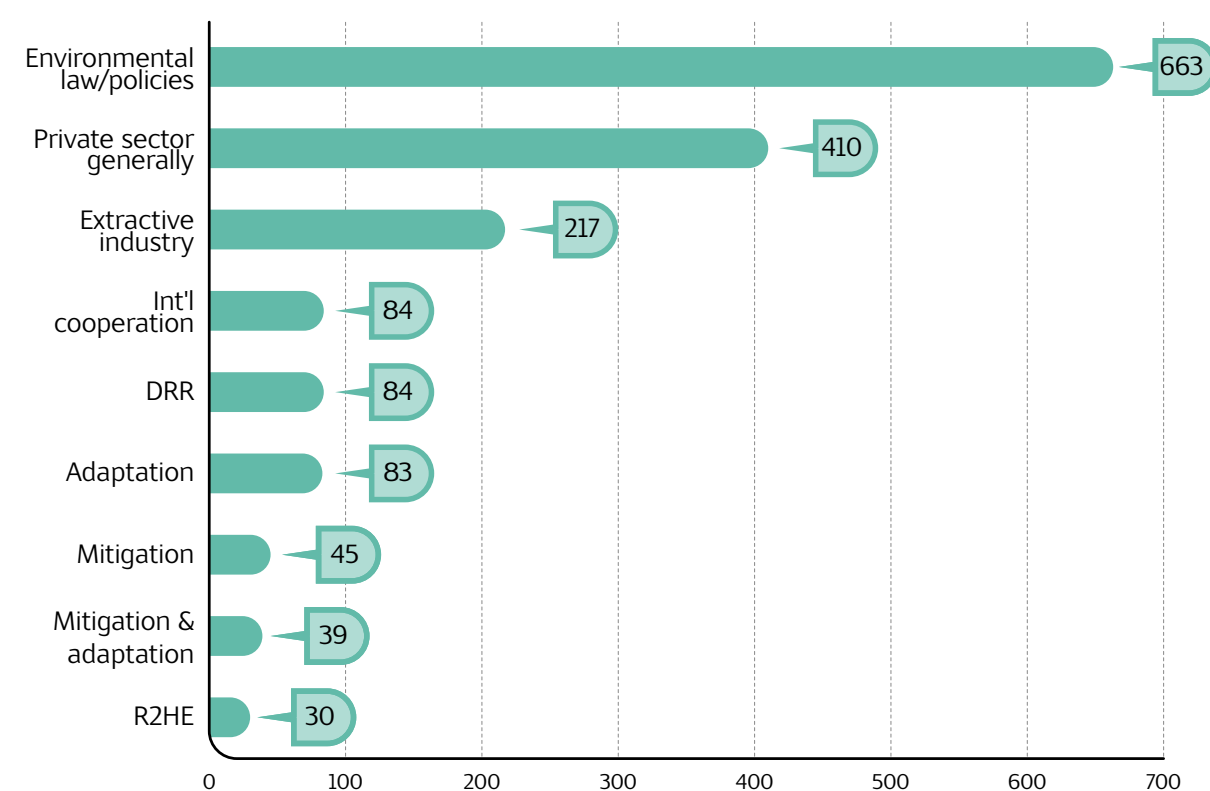
substances, rather than merely trying to minimise, reduce and mitigate exposure to these hazards.’<sup>47</sup> Amongst business sectors, the extractive industry was the most frequently mentioned, cited in 217 recommendations. For example, in a 2022 thematic report, the Special Rapporteur on Indigenous Peoples called on all States to ‘protect Indigenous Peoples from encroachment on their ancestral lands

and strictly forbid logging and extractive activities in protected areas.’<sup>48</sup>

Finally, the Special Procedures mandate-holders analysed extended only 30 recommendations related to R2E. The Special Rapporteur on human rights and the environment extended the most (14), followed by the Special Rapporteur on toxics (six).

**Figure 11.**

**Broad thematic issues covered in the recommendations of Special Procedures mandate-holders**



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In a 2017 thematic report, the Special Rapporteur on the rights of Indigenous Peoples called on all States to ‘comply with the duty to consult and obtain the free, prior, and informed consent of Indigenous Peoples at all stages in the development of climate change initiatives which may affect their rights.’



TREATY BODIES

The committees of independent experts that comprise UN Treaty Bodies are responsible for reviewing States’ compliance with the core human rights treaties and their optional protocols. There are currently ten human rights Treaty Bodies. Nine of the 10 Treaty Bodies monitor implementation of the core international human rights treaties.<sup>49</sup>

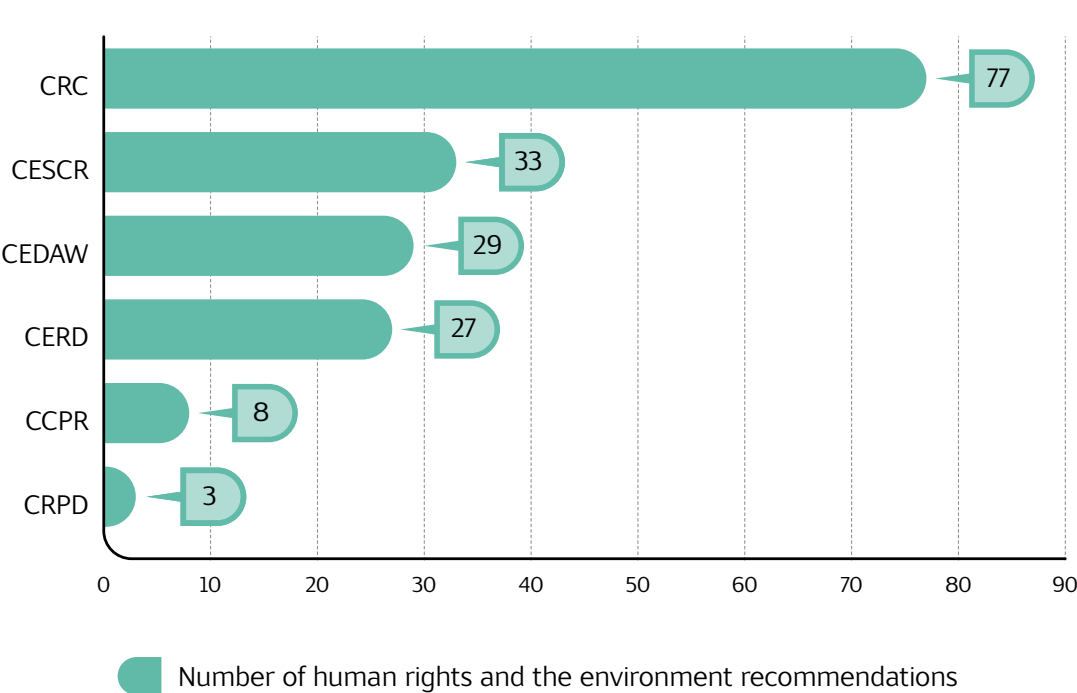
For the purposes of this study, URG analysed the concluding observations issued by the nine Treaty Bodies (not including the Subcommittee on the Prevention of Torture)<sup>50</sup> following the most recent periodic reviews of a cross-regional sample of 30 States.<sup>51</sup> States were selected to ensure a representative sample, including countries from all UN regional groups, and representing different population sizes, political systems, levels of economic development, and total number of treaties ratified. URG found that 26 of those States have received environment-related recommendations following their most recent periodic reviews.<sup>52</sup> The analysis

covered more than 200 sets of concluding observations and related recommendations.

URG’s analysis shows that, across the selected sample, the 26 States received a total of 177 recommendations related to human rights and the environment. These were extended by six of the nine Treaty Bodies (the Committee on the Protection of the Rights of All Migrant Workers, the Committee on Enforced Disappearances, and Committee Against Torture did not provide recommendations related to human rights and the environment to any of the 30 States analysed).

Of these 177 recommendations, the Committee on the Rights of the Child extended the most (77 recommendations, 43 per cent), followed by the Committee on Social, Economic and Cultural Rights (33 recommendations, 19 per cent), and the Committee on the Elimination of All Forms of Discrimination against Women (29 recommendations, 16 per cent). See Figure 12.

Figure 12.  
Number of environment-related recommendations by Treaty Body



A majority of the 177 relevant recommendations (96 recommendations) did not explicitly mention any of the three planetary crises, but rather spoke to general environmental concerns. For example, in 2023, the Committee on the Rights of the Child recommended that the UK ‘ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party’s territory in relation to international and national human rights, labour, environmental and other standards.’<sup>53</sup>

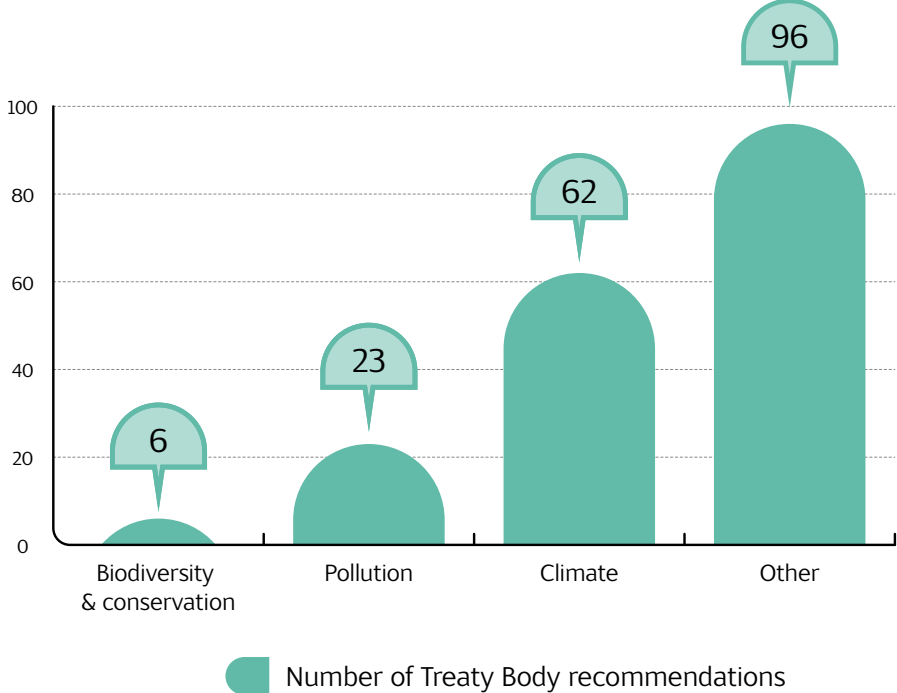
Of the three planetary crises, climate change was the most frequently mentioned (in 62 recommendations). For example, in its 2023 concluding observations to Norway, the Committee on the Elimination of Discrimination against Women urged the State to ‘update the Climate Change Act to reflect the State

party’s new nationally determined contribution to reduce emissions by at least 55 per cent by 2030, and take concrete steps to also achieve net-zero emissions by 2050.’<sup>54</sup> Of all climate change-related recommendations, eleven focused on mitigation, eleven on adaption, and eight covered both.

The issue of pollution was covered in 23 Treaty Body recommendations (for example, in 2023, the Committee on Economic, Social, and Cultural Rights recommended that France ‘ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party’s territory in relation to international and national human rights, labour, environmental, and other standards.’<sup>55</sup>

Biodiversity was only mentioned in six Treaty Body recommendations (for example, in).<sup>56</sup> See Figure 13.

Figure 13.  
Treaty Body recommendations by planetary crisis

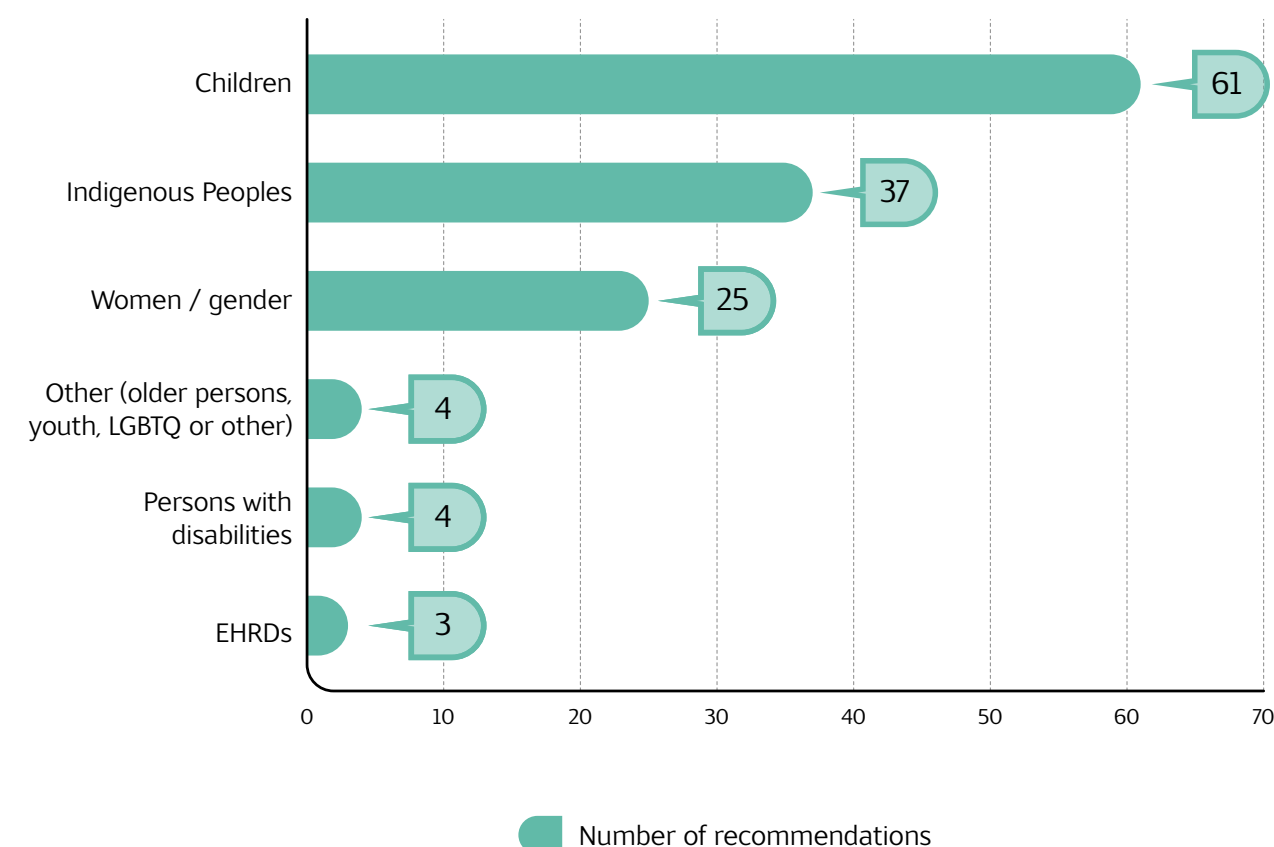




Regarding groups in vulnerable situations (see Figure 14), children were the most frequently mentioned group (61 Treaty Body recommendations). An example is a Committee on the Rights of the Child recommendation to Kenya in 2016, calling on the State '[when] developing policies or programmes to address the issues of climate change and disaster risk management, including the National Adaptation Plan, integrate measures to protect children's rights.'<sup>57</sup> Indigenous Peoples are the next most cited group in environment-related recommendations (38) (for example, in 2022, the Committee on the Elimination of Racial Discrimination recommended that France, 'in consultation with the Indigenous Peoples concerned, adopt measures to offset or mitigate the consequences of extractive activities

on their health and environment, as well as measures to mitigate the effects of the climate crisis on their lands, territories, and resources, with the aim of protecting their ways of life and means of subsistence.'<sup>58</sup> Women or gender were mentioned in 25 recommendations (for example, in 2017, the Committee on the Elimination of Discrimination against Women recommended that Barbados 'include an explicit gender perspective in national policies and actions plans on climate change and disaster response and risk reduction, targeting women not only as those disproportionately affected by the effects of climate change and disasters but also as active participants in the formulation and implementation of such policies.'<sup>59</sup>

**Figure 14.**  
**Mention of groups in vulnerable situations by Treaty Bodies**

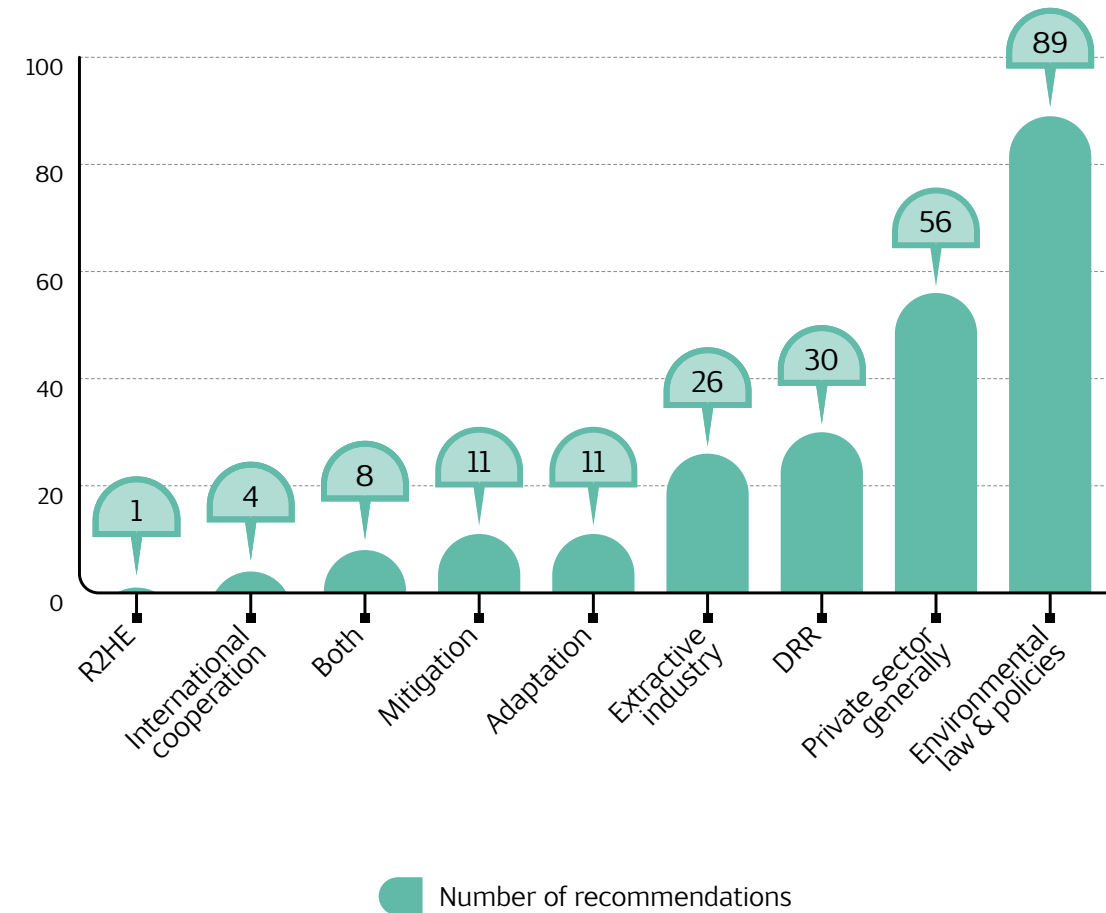




Turning to broad thematic issues covered in environment-related Treaty Body recommendations, as with the other two main UN human rights mechanisms, Treaty Bodies were found to have focused, most regularly, on environmental laws and policies (in 90 out of 177 relevant recommendations). For example, in 2016, the Committee on Economic, Social, and Cultural Rights recommended that Canada ‘further strengthen its legislation and regulations, in accordance with its international human rights obligations, and ensure that environmental impact assessments are regularly carried out in the context of extractive industry activities.’<sup>60</sup> A focus on the private sector was also common – in 56 recommendations (for example, in 2023, the Committee on the Rights of the

Child called on Jordan to ‘require companies to undertake assessments of, consultations on, and full public disclosure of, the environmental, health-related, and children’s rights impacts of their business activities and their plans to address such impacts.’<sup>61</sup> Disaster risk reduction was mentioned in 30 recommendations (for example, in 2022, the Committee on the Rights of the Child recommended that Madagascar ‘ensure better preparedness for the adverse impact of climate change and natural disasters through specific policies and programmes and allocate sufficient resources in that regard.’)<sup>62</sup> Only one Treaty Body recommendation across the whole sample referenced R2E – extended by the Committee on the Rights of the Child.

**Figure 15.**  
**Broad thematic focus of Treaty Body recommendations**



CHAPTER III.

IMPLEMENTATION  
AND IMPACT CASE  
STUDIES



PERU

*Identified theme: Environmental human rights defenders*

URG’s analysis of recommendations related to human rights and the environment received by Peru between 2010 and 2022 identified an important cluster (i.e., number) of recommendations focused on the promotion and protection of the rights of the country’s environmental human rights defenders (EHRDs).

Former Special Rapporteur on the situation of human rights defenders (and current Special Rapporteur on environmental defenders under the Aarhus Convention), Michael Forst, has defined EHRDs as, ‘individuals and groups who, in their personal or

professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.’<sup>63</sup> The term encompasses a diverse range of individuals, groups/organisations (both formal and informal), and communities, with defenders oftentimes (but not always) being indigenous or community leaders and defending their lands from large-scale projects. EHRDs are often referred to as simply ‘environmental defenders,’ though for the purposes of this report the former term will be used throughout.

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35 per cent of territories that belong to peasant communities in Peru have concessions for mineral exploitation, while nine per cent of Peru’s Amazon region is designated for exploitation.





## BACKGROUND

Peru is a country rich in natural resources (including gold, silver, copper, iron, oil and gas)<sup>64</sup> and, as a result, the exploitation of those resources has long been a fact of national life. From the times of Spanish conquest<sup>65</sup> to the present day, the Peruvian economy has remained heavily reliant on the mining of raw materials (for example, Peru accounts for 18 per cent of global silver exports).<sup>66</sup> These extractive activities often have serious negative consequences for the environment (for example, pollution, and damage to biodiversity and ecosystems)<sup>67</sup>, and directly affect the rights of local communities (for example, through the loss of or damage to land or water resources)<sup>68</sup>, as a large percentage of extractive projects occur on already-inhabited land.<sup>69</sup> Furthermore, according to the Special Rapporteur on human rights defenders, 35 per cent of territories that belong to peasant communities in Peru have concessions for mineral exploitation, while nine per cent of Peru's Amazon region is designated for exploitation. This will affect 69 indigenous and 1,952 peasant communities,<sup>70</sup> creating a direct confrontation between extractive (and agricultural) interests and the concerned communities.

In response to this (mostly unchecked) resource exploitation, EHRDs, many belonging to ethnic and indigenous groups that depend on Peru's natural environment for their livelihoods, have begun to peacefully assert their human rights to defend themselves, their communities, and their natural environment. Because of the significant economic interests involved in the extraction of minerals in Peru, this has led, inexorably, to conflict and attacks against EHRDs. A UNEP study has noted that there were '93 socio-environmental conflicts in Peru in 2019' (placing the country in the 'top' seven worldwide),<sup>71</sup> a number that, according to Peru's national human rights institution (NHRI), *Defensoría del Pueblo*, had increased to 134 by the end of 2023<sup>72</sup>, meaning that socio-environmental conflict accounted for 62 per cent of all recorded conflicts in the country (although

conflicts related to territorial demarcation (four) and the illegal cultivation of cocaine (one) should also be considered, as they are directly intertwined with socio-environmental conflicts). By June 2024, the level of socio-environmental conflicts had reduced slightly to 117 (55 per cent of total conflicts), although territorial demarcation conflicts had increased to six (while conflicts related to illegal cultivation of cocaine remained at one).<sup>73</sup>

This situation has led to serious violations of the rights of EHRDs and their communities. This includes violations of their right to life (through killings of EHRDs), and to their rights to freedom of expression, assembly, and security of person (through non-deadly attacks). These result from both direct State action (for example, the criminalisation of EHRDs, and violent crackdowns on protests), as well as failure on the part of the State to protect EHRDs from third-party attacks (for example, by failing to prevent or investigate attacks by actors involved in the extractive industry).

As a result, today Peru is one of the most dangerous countries in the world for EHRDs. At least 67 environmental and land defenders were killed in Peru between 2002<sup>74</sup> and the end of 2022.<sup>75</sup> While country-level statistics were not available at the time of report writing, this trend continued in 2023<sup>76</sup> and 2024.<sup>77</sup>

What is more, in addition to suffering physical attacks, EHRDs in Peru are also subjected to, *inter alia*: stigmatisation (EHRDs are often portrayed as 'anti-development' or as 'mercenaries' for foreign NGOs and States); disproportionate State responses to protests (e.g., the military is often called in to quell protests); and criminalisation.<sup>78</sup> All this is made worse by corruption. For example, local police forces have been known to enter into private 'security' agreements with extractive companies.



Regarding criminalisation, a 2015 amendment to article 200 of Peru's criminal code criminalising blocking transit roads or impeding the execution of lawful business using 'threats or violence', has been used to prosecute leaders and defenders of peasant and indigenous communities for legitimately defending their rights and environment.<sup>79</sup> In 2017 alone, 800 people (including several social leaders) were tried for participating in protests, with 70 per cent of prosecutions being related to socio-environmental conflicts.<sup>80</sup>

In the face of the worsening situation and threats faced by EHRDs in Peru, in 2020 the Special Rapporteur on human rights defenders noted that there was no effective national system in place to provide protection for at-risk defenders, 'namely environmental and land rights defenders, particularly those belonging to indigenous or peasant communities.'<sup>81</sup> The Special Rapporteur further drew attention to a broad failure to consult with EHRDs and their communities (for example, in the context of new economic projects), and the inadequacy of police investigations into attacks against them.

## ENGAGEMENT WITH THE UNITED NATIONS HUMAN RIGHTS SYSTEM

Peru is party to nine core international human rights treaties, including, *inter alia*, the Convention against Torture (1998), the Covenant on Civil and Political Rights (1978), the Covenant on Economic, Social and Cultural Rights (1978), the Convention on the Elimination of All Forms of Racial Discrimination (1971), the Convention on the Elimination of All Forms of Discrimination against Women (1982), and the Convention on the Rights of the Child (1990). It has reported seven times to the Committee against Torture (most recently in 2017), six times to the Human Rights Committee (most recently in 2023), five times to the Committee on Economic, Social and Cultural Rights (most recently in 2021), seven times to the Committee on the Elimination of Discrimination Against Women (most recently in 2019), eleven times to the Committee on the Elimination of Racial Discrimination (most recently

in 2017), and five times to the Committee on the Rights of the Child (most recently in 2024). Peru has been reviewed under the UPR mechanism on four occasions (2008, 2012, 2017, 2022). The country maintains a standing invitation to Special Procedures (since 2002), and has been visited by 17 mandate holders, including the Working Group on the use of mercenaries (2007), the Special Rapporteur on indigenous peoples (2009, 2013), the Working Group on the issue of human rights and transnational corporations and other business enterprises (2017), and the Special Rapporteur on the situation of human rights defenders (2020).

Moreover, Peru's obligations under international human rights law are reinforced by its obligations under regional treaties, such as the American Convention on Human Rights (1978), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1996). Peru is yet to accede to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), with the country's national legislature having twice rejected accession (in 2020 and 2022.)

In the course of its regular engagement with the UN human rights system (i.e., through the aforementioned review-implementation-reporting cycle), Peru has repeatedly (since 2008) received expressions of concern about the plight of EHRDs from all three main human rights mechanisms (i.e., UPR, Treaty Bodies, and Special Procedures). While these expressions of concern (in the form of comments or recommendations for improvement) have not always explicitly referenced 'EHRDs' *per se*, individuals and groups included in the definition of 'environmental human rights defenders,' such as land and indigenous defenders, have been regularly mentioned.

Over time, the explicit focus on EHRDs as a group, as well as the precision with which recommendations have focused on the particular vulnerabilities and needs of EHRDs, have tended to increase. In Peru, as elsewhere, this is in part due to UNEP's efforts, at headquarters as well as through the UN Country Team (UNCT), to highlight and leverage the relationship



2021 Goldman Environmental Prize winner Liz Chicaje Churay paddles on the Ampiyacu River / Goldman Environmental Prize



between human rights and environment, and to raise awareness about the particular situation of EHRDs.

Regarding the **UPR**, during its first cycle review, Peru received only generalised recommendations concerning EHRDs – usually without specifically mentioning defenders themselves. For example, Peru received a recommendation to ‘counter the adverse effects of economic activities such as oil production and mining on the full enjoyment of some economic and social rights of communities living in adjacent territories,’<sup>82</sup> (Peru only noted – i.e., did not accept - this recommendation).

Between the first and second UPR cycles, UNEP, together with the wider UNCT in Peru, took several steps to draw greater attention to the plight of EHRDs, and to generate more and stronger recommendations to the State. For example, in 2010, UNEP, along with the *Centro Bartolomé de las Casas*, released a report on socio-environmental conflicts in an area of Peru’s Cusco region.<sup>83</sup> Turning to the role of the UNCT, whereas the UNCT in Peru did not submit a contribution to the ‘UN system report’ ahead of Peru’s first UPR review, it did do so ahead of the second cycle review. In that submission, the Country Team noted that ‘one of the main challenges to the democratic governance of the country, is the social conflict related to the exploitation of natural resources’ (i.e., socio-environmental conflict)<sup>84</sup>. It also highlighted the importance of State cooperation with indigenous peoples to protect and preserve the environment of their territories.<sup>85</sup>

The impact of this stronger UN engagement can be seen in the number and quality of recommendations extended to Peru during the second cycle. For example, recommendations regarding the rights of indigenous peoples increased from one in 2008 to nine in 2012, including three recommendations touching upon issues that affect EHRDs. For example, one recommendation by the Republic of Moldova (accepted by the State) urged Peru to ‘involve indigenous peoples and peasant communities in the implementation and planning of projects related to the extractive sector’.<sup>86</sup>

The UNCT’s submission ahead of Peru’s third cycle review in 2017 was even more focused on EHRDs and issues involving their fight to protect their human rights and the environment. The report noted the continued existence of socio-environmental conflicts<sup>87</sup>, and went on to detail reprisals, persecution, and intimidation against EHRDs, specifically mentioning the case of environmental defender Máxima Acuña.<sup>88</sup> The UNCT then recommended that Peru investigate cases of reprisals against EHRDs and create a HRD protection protocol.<sup>89</sup>

This again had a clear impact in the context of Peru’s third UPR review. During its 2017 review, Peru received 19 recommendations directly related to EHRDs and their work, including two recommendations that explicitly refer to environmental defenders (compared to one in the first cycle and three in the second). For example, Norway recommended that Peru ‘intensify efforts to protect environmental, indigenous, and land rights defenders,’<sup>90</sup> while the Czech Republic recommended that it ‘create and implement a specific mechanism that will provide comprehensive assistance and protection to human rights defenders, and include them in its design, especially those human rights defenders that help communities affected by mining and hydroelectric projects.’<sup>91</sup> Recommendations on ancillary (but important) issues concerning EHRDs included reducing ‘social conflict in the extractive sector by improving consultation with indigenous peoples’ (recommendation made by the US)<sup>92</sup>, and to ‘[e]nsure the rights of indigenous peoples, also by resolving all relevant problems to land titles and other environmental issues that affect their rights to their natural resources’ (recommendation made by Greece).<sup>93</sup>

**Special Procedures** have consistently drawn attention to the situation of EHRDs since at least 2008 and across a number of mandates.

In 2008, the Working Group on mercenaries visited Peru and discussed environmental defenders throughout its report.<sup>94</sup> First, the Working Group noted its concern regarding, *inter alia*: intimidation,

harassment and surveillance of environmental defenders and leaders (especially in the department of Cajamarca); criminalisation of EHRDs; and the 83 attacks against defenders in 2006 (including 35 attacks against EHRDs in the departments of la Oroya, Cajamarca, and Yurimaguas)<sup>95</sup>. The Working Group then recommended that Peru take a number of actions to protect environmental defenders, including: taking judicial measures to investigate crimes (such as intimidation, espionage, murder) against ‘community environmental defence leaders in Cajamarca,’ determining whether members of national security services or private companies have been involved in acts of intimidation against environmental defenders; and protecting the right to life of EHRDs<sup>96</sup>.

In 2017, the Working Group on the issue of human rights and transnational corporations and other business enterprises visited Peru, and expressed its alarm regarding ‘the large number of human rights defenders and local leaders reportedly killed, attacked, or threatened for defending the environment and land rights,’<sup>97</sup> noting that the main cause behind business-related social conflict was, ‘concerns about adverse effects on health and the environment.’<sup>98</sup> The Working Group further expressed its concern regarding the criminalisation of those protesting against business activities, and ‘considerable social conflict’ over the lands of indigenous communities.<sup>99</sup> In conclusion, the Working Group recommended that Peru close gaps in human rights protection by amending legislation and regulations, particularly concerning the right to a healthy environment, and indigenous people’s land and natural resource rights.



Lake Titicaca / Danielle Pereira





Luis Enrique Chavez Basagoita, Permanent Representative of Peru to the UN in Geneva, speaks at the Human Rights Council in 2013 / Jean-Marc Ferré

The Special Rapporteur on the situation of human rights defenders visited Peru in 2020, and devoted a significant portion of his report to EHRDs. 'Given the serious and sustained threats to land and environmental defenders, particularly those belonging to indigenous peoples and peasant communities,' the Special Rapporteur recommended that Peru take immediate action to address the root causes, including by: ratifying the Escazú Agreement; ensuring legal recognition and effective protection of indigenous peoples' ancestral lands; reviewing the practice of granting extractive concessions where title to the land is being disputed by indigenous communities; ensure respect for indigenous peoples' right to be consulted; and ensure that non-State actors respect human rights.<sup>100</sup> The Special Rapporteur further recommended that Peru ensure its law enforcement agencies have the capacity to protect at-risk HRDs, especially EHRDs, 'in particular, [by] redoubling efforts to protect against threats by non-State actors in the illegal extractive industry.'<sup>101</sup>

Finally, the situation of EHRDs in Peru has also been covered by a number of **Treaty Bodies**.

In 2012, the Committee on Economic, Social and Cultural Rights recommended that Peru ensure that the implementation of national laws on mining and energy, and the rights of indigenous peoples to prior consultation, 'involves effective consultation and prior informed consent of indigenous peoples relating to the exploitation of natural resources in their traditional territories'.<sup>102</sup>

Then, in 2016, the Committee on the Rights of the Child expressed 'deep concern' regarding reports of attacks and arrests of HRDs, 'especially those who defend the rights of communities, including children, affected by mining and hydroelectric projects,' and recommended that Peru take immediate action to allow all HRDs (including EHRDs) to exercise their right to freedom of expression without threats or harassment, and that instances of harassment, attacks or arrests are 'promptly and independently investigated, and those responsible for such abuses are held accountable'.<sup>103</sup>

The Committee on the Elimination of Racial Discrimination (CERD) went into even more detail

regarding the situation of EHRDs in its 2018 review of Peru. CERD expressed its concern about an increase in violence against EHRDs, 'especially leaders of indigenous peoples'.<sup>104</sup>

The Committee recommended that Peru: adopt measures to prevent harassment, intimidation, retaliation and violence against all HRDs, 'including leaders and defenders of the rights of indigenous peoples and Afro-Peruvians'; establish a protection mechanism for EHRDs and other HRDs; ensure that those responsible for attacks are punished, 'particularly in the case of the recent murder of Olivia Arévalo'; and provide information and raise awareness about the 'crucial work' of EHRDs across the country.

In an important example of information on progress with the implementation of previous UN human rights recommendations being fed back into the 'review-implementation-reporting cycle,' at the conclusion of its 2022 review of Peru, the Committee on the Elimination of Discrimination against Women acknowledged the State's efforts 'to protect and support all women human rights defenders,' including the Protocol to guarantee the protection of human rights defenders, the intersectoral mechanism for the protection of human rights defenders, and the Sectorial Protocol for Environmental Defenders' (see below).<sup>105</sup> The Committee further recommended that Peru expedite the investigation and prosecution of all acts of harassment, intimidation and reprisals; raise awareness of the contribution of women's human rights defenders, and enhance institutional collaboration between the Ministry of Women and Vulnerable Populations, and networks of women HRDs.<sup>106</sup>

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Peru's implementation,  
including with UNEP and  
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UN Working Group on Enforced Disappearances visits Peru / Mariel Sanchez

## IMPLEMENTATION AND IMPACT

Peru's implementation, including with UNEP and wider UNCT support, of UN human rights mechanism recommendations has led to some positive results for EHRDs in the country. As is true for all States, Peru's engagement with the review-implementation-reporting cycles of the UPR, Special Procedures, and Treaty Body mechanisms provides important opportunities for UN actors to provide information on the country's human rights progress, identify challenges and successes, and deliver technical guidance (i.e., recommendations) on how the State could improve future compliance.

As detailed above, Peru has received recommendations from all three UN human rights mechanisms regarding EHRDs. In a number of cases, steps have been taken to implement those recommendations, including with support from UNEP and the UNCT, with important benefits for the enjoyment of human rights and the protection of the environment.

In what appears to be a direct implementation of recommendations received during Peru's third cycle UPR review and its 2018 CERD review regarding the establishment of a protocol to protect EHRDs and other HRDs, in April 2019, the Peruvian Ministry of Justice and Human Rights (MINJUSDH) approved<sup>107</sup> a 'Protocol to guarantee the protection of human rights defenders,' which aimed to recognise and protect human rights defenders, investigate attacks against HRDs and hold those responsible accountable, and promote the importance and necessity of HRDs' work through public campaigns.<sup>108</sup> The Protocol further called for training of justice officials and police, with a special focus on environmental and indigenous defenders.<sup>109</sup>

A little more than a year later, in June 2020, the Ombudsman's Office (*Defensoría del Pueblo*) approved<sup>110</sup> 'Guidelines for Ombudsman Intervention in cases of Human Rights Defenders,' which specifically included environmental and indigenous defenders in the definition of HRDs, and noted that they were HRDs at most risk in Peru.<sup>111</sup>

Then, in another positive example of Peru taking steps in line with UN human rights recommendations, specifically UPR (third cycle) and CERD recommendations to create a protection mechanism for EHRDs and other HRDs, in April 2021 an intersectoral mechanism for the protection of human rights defenders was created. The mechanism includes representatives from the Ministry of the Environment, and the Ministry of Energy and Mines.<sup>112</sup> The decree creating the mechanism includes actions 'aimed at the conservation and protection of the environment, the territories of indigenous or native peoples, and natural resources' as part of 'legitimate human rights defence,' and defined acts against the environment or natural resources as attacks against the rights of affected populations.<sup>113</sup> The decree further calls on government entities that comprise the mechanism to: provide technical assistance

to strengthen the capacities of 'defenders of the rights of indigenous or native peoples,' carry out investigations and issue reports on the situation of EHRDs; and engage in protection measures such as environmental supervision and filing legal action in the case of environmental crimes.<sup>114</sup>

In another positive development (and again in line with UN human rights recommendations received by Peru), in July 2021, the Ministry of Environment approved a 'Sectoral Protocol for the Protection of Environmental Defenders.'<sup>115</sup> This establishes guidelines for the implementation and evaluation of prevention measures, as well as recognition of the importance of the work of environmental defenders. A call to publish a bi-annual report on the situation of EHRDs is also part of the protocol.<sup>116</sup>



Women affected by mining contamination protest in Lima / Red Muqui



Furthermore, while implementation is far from complete, the Peruvian Government appears to be making some progress in ensuring 'legal recognition and effective protection of indigenous peoples' ancestral lands,' as recommended by the Special Rapporteur on human rights defenders in 2020. In 2019, the Government acknowledged that 2,000 indigenous communities lacked title to land and made a commitment to close the titling gap by 2021.<sup>117</sup> By August 2021, the Government had confirmed the land titles of 1,400 of these communities – a remarkable improvement in only two years.<sup>118</sup> While recent developments such as the Peruvian Congress' approval of a modification to the Forest Law (which has not been signed by the executive)<sup>119</sup> could put these improvements at risk, Peruvian indigenous communities continue to work to obtain the legal recognition of their territories,<sup>120</sup> resulting in continued government recognition of their ancestral lands.<sup>121,122</sup>

Not all recommendations have, of course, led or contributed to progress. For example, a 2020 recommendation from the Special Rapporteur on human rights defenders, calling on Peru to ratify the Escazú Agreement, has not yet been heeded

(ratification has twice been rejected by Congress). Notwithstanding, demonstrating that they are drivers as well as beneficiaries of change, EHRDs in Peru continue to push for further progress. For example, in October 2021, EHRDs demonstrated in Lima to denounce the threats and intimidation they continue to suffer, demand the full implementation of the Protocol for the protection of defenders, and call for the urgent ratification of the Escazú Agreement.<sup>123</sup>

Finally, UNEP has actively worked with national stakeholders, including the Government and EHRDs themselves, to improve the situation of and empower EHRDs, in line with recommendations from the UN human rights mechanisms. For example, in 2020, UNEP, in cooperation with OHCHR and the Economic Commission for Latin America and the Caribbean (ECLAC), organised a forum on EHRDs in South America, with more than 60 individuals participating, including defenders and civil society representatives from Peru.<sup>124</sup> The forum, which offered a space to evaluate the situation of environmental defenders in the region, further allowed EHRDs to exchange experiences and good practices.<sup>125</sup>



Manuel Pulgar-Vidal, Peru's former Minister for the Environment, at a roundtable during the United Nations Environment Assembly, 2014 / Ministerio del Medioambiente de Perú

## MONGOLIA

### Identified sub-theme: Air pollution

#### BACKGROUND

Rapid urbanisation in Mongolia has resulted in a significant increase in unplanned settlements (known as *gers*), including around the capital, Ulaanbaatar. Those living in *gers* rely on burning coal in 'low-pressure boilers' to keep warm, especially during the cold winter months, with the result that Ulaanbaatar has suffered from some of the highest air pollution levels in the world.<sup>126</sup> A 2018 World Health Organisation (WHO) policy brief found that 80 per cent of Ulaanbaatar's air pollution in winter is caused by the burning of raw coal in *ger* households. Such high levels of air pollution – in some cases up to 133 times the recommended daily average concentration – have terrible consequences for public health, including maternal and child health.

The United Nations has been working with Mongolia for well over a decade to address the growing problem of air pollution, and to better protect the country's urban populations (including in *gers*). Studies have shown that air pollution in Mongolia is having a devastating impact on health, as mortality attributed to air pollution in the country is 155.9 deaths/100,000 people, making Mongolia one of

the most affected countries in the world.<sup>127</sup> One of the health impacts of burning raw coal and related air pollution is, for example, pneumonia, which has become the second most common cause of under-five mortality in the country (it killed 435 children in 2015 alone). Such impacts have significant negative implications for the enjoyment of human rights in the country, including the rights to life, safe drinking water, an adequate standard of living, and the highest attainable standard of physical and mental health.

In a 2015 UNEP study on air quality in Mongolia, it was determined that while rural areas had good air quality, in the capital, fine particulate matter (PM2.5) levels were six times higher than WHO interim standards, and ten times higher than Mongolian air quality standards, with coal- and wood-based home heating and cooking being a significant contributor.<sup>128</sup> The report concluded that '[t]here is a pressing need to replace indoor coal burning with cleaner cooking and heating options,' noting that there were at least 300 deaths per year from indoor air pollution.<sup>129</sup>



Coal briquettes being packed and distributed around the ger district in Ulaanbaatar / Asian Development Bank



## ENGAGEMENT WITH THE UNITED NATIONS HUMAN RIGHTS MECHANISMS

Mongolia is Party to nine core human rights treaties, including the Convention on the Rights of the Child (ratified in 1990), the Convention on Economic, Social, and Cultural Rights (1974), and the Convention on the Elimination of Discrimination against Women (1981). It has reported four times to the Committee on the Rights of the Child (in 1994, 2003, 2008, and 2015), six times to the Committee on Economic, Social, and Cultural Rights (most recently in 2021), and seven times to the CEDAW Committee (most recently in April 2020). Mongolia maintains a standing invitation to Special Procedures (since 2004) and has facilitated/completed all eleven visit requests, including from the Special Rapporteur on education (2009), the Special Rapporteur on extreme poverty (2012), the Special Rapporteur on human rights and the environment (2017), and the Special Rapporteur on water and sanitation (2018). The country has reported three times under the UPR: in 2010, 2015, and 2020.

Ostensibly as a result of Mongolia's engagement with, and reporting to, these mechanisms, in addition to the attention given to the issue by UNEP and other UN agencies such as WHO and UNICEF, the UN human rights machinery has repeatedly raised concerns about the effects of air pollution on human rights in the country.

UN Treaty Bodies and Special Procedures have been particularly seized of the issue of air pollution in Mongolia and its impacts on human rights. Interestingly, in the case of Mongolia, the two mechanisms have often worked in tandem, with their assessments and recommendations feeding off and reinforcing one another.

Regarding **Treaty Bodies**, for example, in 2015 the Committee on Economic, Social, and Cultural Rights recommended that Mongolia 'take effective measures to address the increasing levels of air pollution and the worsening health situation of people in Ulaanbaatar and in *Ger* areas, including by introducing in those areas new heating systems that are energy efficient.'<sup>130</sup>

The Committee on the Rights of the Child meanwhile, in the context of its 2017 review of Mongolia, also expressed serious concern about the human rights impacts of increasing levels of air pollution (particularly in the context of children's rights), especially in Ulaanbaatar and in *ger* areas.<sup>131</sup> In response, the Committee recommended that Mongolia 'immediately adopt [...] measures to mitigate the impact of air pollution on children,' and ensure the provision of technical knowledge, expertise, and means to monitor and regulate air pollutants.<sup>132</sup>

Importantly, the Government's engagement with the Committee on the Rights of the Child appears to have initiated, or been part of, a positive 'feedback loop' with another mechanism – the **Special Procedures**. For example, shortly after Mongolia's 2017 appearance before the Committee on the Rights of the Child, the country welcomed a visit by the Special Rapporteur on human rights and the environment (September 2017). In the mandate-holder's report following his mission, presented to the Human Rights Council in June 2018, he explicitly referred to the Treaty Body's concluding observations, including the recommendation that the State pay particular attention to the negative effects of air pollution on children's health when developing its legislative and policy responses. The Special Rapporteur also echoed several other Committee recommendations, including a call for the Government to encourage a shift from coal to renewable energy sources in the *ger* districts of the capital.

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In a 2015 UNEP study on air quality in Mongolia, it was determined that while rural areas had good air quality, in the capital, fine particulate matter (PM2.5) levels were six times higher than WHO interim standards.



Ulaanbaatar Air Quality Improvement Program in Mongolia / Asian Development Bank



Following his visit, the Special Rapporteur reported: ‘[p]erhaps the most pressing environmental challenge in Mongolia is air pollution. Levels of fine particulate matter (PM2.5) in the ambient air of Ulaanbaatar average nearly 70 µg/m³ on an annual basis, which is higher than Mongolian air quality standards (25 µg/m³), and far higher than World Health Organisation (WHO) guidelines (10 µg/m³). Other pollutants, such as sulphur dioxide and nitrogen oxides, are also at levels that exceed domestic and international standards [...] Exposure to such high levels of air pollution interferes with the human rights to life and health because it can cause respiratory and cardiopulmonary diseases that lead to premature mortality. It has been estimated that as many as 10 per cent of the deaths of adults over thirty years old in Ulaanbaatar, and 4 per cent of such deaths throughout the country, may be attributed to ambient air pollution.’<sup>133</sup>

The Special Rapporteur then provided Mongolia with a number of recommendations regarding air pollution in the country. First, he recommended that it ‘[g]ive more sustained, high-level attention to the problem in the capital, especially air pollution from the *ger* districts, in order to determine which approaches tried in the past have been most successful and to build on them.’<sup>134</sup> The Special Rapporteur further recommended that Mongolia enforce existing air pollution laws and ‘provide the resources necessary to implement the National Programme on Reduction of Air and Environmental Pollution,’ in addition to moving ‘much more rapidly to shift away from coal production towards renewable sources of energy, especially wind and solar energy.’<sup>135</sup>

The issue of the human rights impacts of air pollution in Mongolia has also been raised during each of the State’s appearances before the **UPR** Working Group. Importantly, and to Mongolia’s credit, it has often

been the State Itself that has drawn attention to the issue. For example, during Mongolia’s first cycle UPR review in 2011,<sup>136</sup> the Government acknowledged that the human rights implications of air pollution in the capital city was a major national challenge, one that it was determined to address ‘with the support of its people and the solidarity of other countries.’ Consequently, reviewing States picked up on the issue and one (Malaysia) extended a relevant recommendation. Malaysia recommended that Mongolia ‘step up efforts to improve and conserve the environment, including by strengthening relevant laws and providing the public with the necessary information, education, and awareness regarding the impacts of environmental pollution and degradation,’ (Mongolia supported the recommendation).

Likewise, during its second UPR review in 2015,<sup>137</sup> the Government again stated that air pollution was ‘a critical issue for the city of Ulaanbaatar,’ and drew attention to the Clean Air Fund’s 88.82 billion togrogs (US\$ 45 million) investment in measures to reduce pollution and improve air quality in line with national and international standards.<sup>138</sup> Notwithstanding, Mongolia did not receive any recommendations on the subject at the conclusion of its second cycle review.

Mongolia did however receive recommendations on the matter of air pollution during its third cycle **UPR** review in 2020. Senegal, for example, recommended that Mongolia ‘[p]rovide the necessary resources to implement the national programme on the reduction of air and environmental pollution,’ while Thailand recommended that it ‘[s]tep up its efforts to enforce laws and effectively implement the national programme on reduction of air and environmental pollution and other relevant measures to reduce the environmental risks.’<sup>139</sup> Both recommendations were supported by Mongolia.

## IMPLEMENTATION AND IMPACT

As noted in the preceding section, one key feature of Mongolia’s engagement with the UN human rights mechanisms over the past twelve years has been its readiness to acknowledge the serious human rights challenges posed by air pollution, especially in the capital city, as well as its openness to work with the mechanisms and the wider United Nations to reduce pollution and thus strengthen the enjoyment of human rights.

This has meant, in turn, that the State has been particularly proactive in implementing relevant recommendations received from the UN human rights mechanisms, with UNEP playing a key role as an implementation partner.

Taking forward ideas discussed and recommendations extended in the context of the Special Rapporteur on human rights and the environment’s visit to Mongolia, and the State’s reviews before the Committee on Economic, Social, and Cultural Rights, and the Committee on the Rights of the Child (in 2015 and 2017, respectively), from 2017, the Mongolian Government partnered with UNEP to roll-out the ‘BreatheLife’ campaign. This aimed to improve urban air quality by, *inter alia*: managing fuel and emission standards in the transport and energy sectors; limiting usage of raw coal for household fuel; facilitating diffusion of leading low carbon technologies, products, systems, services, and infrastructure; supporting policy implementation and holistic knowledge on waste management; and informing, educating, and empowering citizens through public awareness campaigns.<sup>140</sup>



Gerelmaa Davaasuren, Ambassador and Permanent Representative of Mongolia to the UN in Geneva, speaks at the Ninth Review Conference of the States Parties to the Biological Weapons Convention / Violaine Martin



Further, at an institutional level (and also in 2017), Mongolia established a Working Group on children's rights to follow up on the recommendations received from the Committee on the Rights of the Child. This included representatives of the Ministries of Justice, Finance, Labour and Social Protection, Health, and Education, as well as of the National Authority for Family, Child, and Youth Development. The Working Group in turn elaborated a National Programme on Child Development and Protection – an action plan designed to take forward many of the recommendations received from the United Nations. Also in 2017, the Government adopted a National Programme on the Reduction of Air and Environmental Pollution, which again incorporated and sought to implement relevant UN recommendations. As part of this programme, and in line with the recommendations of both Treaty Bodies and Special Procedures, the Government began to provide air purifiers to kindergartens and health-care centres, and distributed high-efficiency particulate air filters for free as part of prenatal packs given to expectant mothers.

Another 2017 collaboration between UNEP and the Mongolian Government (through the Ministry of Environment and Tourism) had the goal of scaling-up the country's implementation of low-carbon district heating systems, and provide alternative heat supply options in *ger* areas.<sup>141</sup> This programme<sup>142</sup> thus worked to implement not only relevant 2015 Committee on Economic, Social and Cultural Rights recommendations, but also recommendations stemming from the Special Rapporteur on human rights and the environment's 2017 country visit.

These and other implementation measures were supported by the UNCT, including UNEP. As the document itself acknowledges, the programme, which has an implementation budget of US\$ 8.7 million, had a particular focus on 'addressing the devastating impact of air pollution on child health.' This priority goal, and relevant recommendations from the Committee on the Rights of the Child and the Special Rapporteur, were also integrated into the wider United Nations Sustainable Development Cooperation Framework (UNSDCF), agreed between the UNCT and the Government, especially in the UNSDCF's first two 'outcome areas' – namely,

'promoting inclusive growth and sustainable management of natural resources,' and 'enhancing social protection and utilisation of quality and equitable social services.'

Other UN agencies and development partners have also worked to support Mongolia with the implementation of human rights recommendations on air pollution. In 2018, for example, the National Center for Public Health partnered with UNICEF to publish a report on the impacts of air pollution on children's health.<sup>143</sup> The report provided evidence of the 'child health crisis' caused by air pollution in Mongolia, especially in Ulaanbaatar, which puts 'every child and pregnancy at risk.' Those risks, it said, 'include stillbirth, preterm birth, lower birth weight, pneumonia, bronchitis, asthma, and death.' Based on this evidence, the report proposes a series of legislative and policy measures to be taken by the Government, with UN support. Importantly, the report also set out a cost-benefit analysis to show the economic advantages that would be accrued by adopting a preventative approach to air pollution and child health. That same year, UNICEF partnered with the Swiss Agency for Development and Cooperation (SDC), and the Mongolian Government, to launch the 'Impact of air pollution on maternal and child health 2018-2023' programme in Ulanbataar, aimed at reducing the impacts of air pollution on children and pregnant women in Mongolia.<sup>144</sup> Another outcome of this partnership was the creation of the knowledge management platform on air pollution, *Agaar Neg*,<sup>145</sup> launched by the Ministry of Environment and Tourism and Ulaanbaatar City Municipality, in collaboration with UNICEF and SDC. The platform serves as a knowledge and resource hub for stakeholders working on air pollution reduction in Mongolia, including policymakers, civil society organisations, and citizens.

In line with the recommendations made by the Special Rapporteur on human rights and the environment, and by the Committee on Economic and Social Rights, the Mongolian Government has also implemented other measures to reduce air and environmental pollution, including banning the use of raw coal for uses other than in thermal power plants, supporting the supply of improved fuel to *ger* areas, subsidising electricity in *ger* districts to



encourage the use of electric heating, replacing coal-fired heating boilers with gas and electric boilers, and expanding air pollution monitoring, including in *ger* areas.<sup>146</sup>

Such implementation measures appear to have achieved positive results – for example, there was a 40 per cent decrease in the average concentration of PM2.5 levels in Ulaanbaatar during its 2019-20 cold season, compared to the previous cold season.<sup>147</sup>

Furthermore, the Government has worked with the United Nations to implement the 2020 UPR recommendations to increase resources and implement its national programme to reduce air pollution (NPRAEP). Under this programme, Mongolia has worked to improve the efficiency of its heat supplies and increase the scope of its centralised heating systems.<sup>148</sup>

In 2021, the Mongolian Parliament held a consultation, jointly organised with UNICEF, UNDP, and WHO, on air pollution during the time of the COVID-19 pandemic and the right to a clean, healthy, and sustainable environment.<sup>149</sup> The consultation resulted in the endorsement of 18 recommendations that were then sent to the Government (cabinet-level) for implementation, with the goal of reducing air pollution in accordance with the NPRAEP. Also in 2021, the Government of Mongolia, through the aforementioned UNICEF-SDC programme, launched a CHIP (cooking, heating, and insulation products) package that, *inter alia*, aimed to create a sustainable solution to redu-

cing air pollution, protecting children and pregnant women, while also empowering Mongolia's women by providing them with thermal comfort and enabling them to save time spent making house fires.<sup>150</sup>

Though many of the implementing measures outlined above happened only relatively recently, making it difficult to empirically measure their impact on human rights, there are encouraging early signs of progress. For example, the Government's 2018 decision to ban raw coal and replace it with refined coal has had a significant impact on air pollution levels in the country since it came into force in 2019,<sup>151</sup> especially in the *gers* of Ulaanbaatar. However, despite some initial signs of improvement early in 2020, the lack of awareness among residents of coal briquettes as alternatives to raw coal<sup>152</sup> was compounded by the impact of the COVID-19 lockdowns, during which many residents, especially from lower income households, resorted to burning other fuels, thus contributing to a worsening Ulaanbataar's air quality.<sup>153</sup> This reversal shows that policies aimed at tackling air pollution in large cities must go hand in hand with policies addressing economic inequalities, poverty, rising urbanisation, and overpopulation.

Mongolia, however, continues to work towards improving air pollution, aiming for a renewable energy share of 30 per cent and reducing greenhouse gas emissions by 22.7 per cent by 2030.<sup>154</sup>





Madagascar lemur / Luc Legay

## MADAGASCAR

### **Identified sub-theme: strengthened environmental protection and improved enforcement of environmental laws and policies**

#### **BACKGROUND**

Madagascar, an island nation off the coast of Africa and a Least Developed Country (LDC), is renowned for its rich natural heritage. The country is home to an estimated five per cent of the world's biodiversity, comprising a wide range of ecosystems, including terrestrial (i.e., forests, grasslands), aquatic (i.e., wetlands, continental waters), marine, and coastal ecosystems.<sup>155</sup> Madagascar's ecosystems are incredibly diverse, ranging from tropical rainforests to dry spiny forests, from savannahs to wetlands, and from deep oceans to coral reefs.<sup>156</sup>

Madagascar's rich natural heritage is essential for the wellbeing and rights of its inhabitants. About 80 per cent of its population relies entirely on the country's natural resources for their subsistence needs.<sup>157</sup> However, this invaluable biodiversity faces significant environmental challenges. In addition to being one of the most climate-vulnerable nations in the world,<sup>158</sup> the country's natural environment and biodiversity are threatened by, *inter alia*: invasive species; illegal hunting, logging, and poaching; air and subsoil pollution; and the widespread use of fossil fuels and wood for fuel.<sup>159</sup>

Habitat loss is a major problem in Madagascar, as a significant proportion of the country's forests have been cleared for agriculture, charcoal production, and mining.<sup>160</sup> It is estimated that Madagascar has lost approximately 90 per cent of its original forests.<sup>161</sup> The illegal rosewood trade, used in the production of high-end furniture in other countries, continues to have devastating impact on the environment despite been banned for decades.<sup>162</sup> Additionally, because Madagascar is home to many endemic species, the loss of even one hectare of forest can have significant impacts on biodiversity in

the country, far more than elsewhere.<sup>163</sup> The waters surrounding Madagascar, which are key for local communities' livelihoods, also face challenges due to a lack of regulation, which in turn favours foreign commercial fishing operations.<sup>164</sup>

These threats have had a significant impact on Madagascar's natural environment, leading to the extinction, near-extinction, or endangerment of many of the country's endemic species.<sup>165</sup> As a result of the dependence of Madagascar's inhabitants on the country's natural resources, this in-turn has had devastating consequences for the enjoyment of human rights, including the right to life, the right to adequate food, the right to water and sanitation, the right to health, access to education, and the right to a clean, healthy, and sustainable environment.<sup>166</sup>

The Constitution of Madagascar recognises the aforementioned rights, and its Environmental Charter, adopted in 1990 and amended in 2015, establishes the fundamental right of all Madagascans to live in a healthy and balanced environment, as well as other important provisions related to environmental protection.<sup>167</sup> Building on the Constitution and Charter, a variety of laws and governmental decrees have been put in place, covering topics such as conservation, waste disposal, mining, and fisheries.<sup>168</sup>

Unfortunately, despite the presence of laws and policies addressing key environmental issues, there has been a significant lack of implementation and enforcement over the years. This has resulted in negative consequences for both the natural environment and human rights, particularly for those who are most vulnerable to environmental degradation and climate change.<sup>169</sup>





Water collectors in the sand of the dry Fiherenana River in Tulear, Madagascar. Marcel Crozet / ILO

## ENGAGEMENT WITH THE UNITED NATIONS HUMAN RIGHTS SYSTEM

Madagascar is party to eight core human rights treaties, including the Convention on the Rights of the Child (1991), the International Covenant on Civil and Political Rights (1971), and the International Covenant on Economic, Social, and Cultural Rights (1971). It has reported to the Committee on the Rights of the Child four times (1993, 2001, 2009, 2019), to the Human Rights Committee four times (1977, 1990, 2005, 2015), and to the Committee on Economic, Social, and Cultural Rights two times (1980, 2007). Additionally, Madagascar has undergone three reviews under the UPR mechanism (2010, 2014, 2019) and maintains a standing invitation to Special Procedures (since 2011). Four mandate-holders have visited Madagascar, including the Special Rapporteur on the right to food (2011), and the Special Rapporteur on human rights and the environment (2016).

Moreover, Madagascar's obligations under international human rights law are reinforced by its obligations under regional treaties, such as the African Charter on Human and People's Rights (1992).

Over the years, the three main UN human rights mechanisms (i.e., the UPR, Treaty Bodies, Special Procedures) have, to varying degrees, emphasised the connection between environmental protection (notably of biodiversity and natural resource loss) and the enjoyment of human rights in Madagascar, and have provided an increasing number of recommendations to the State on how to improve (in a rights-based manner) environmental legislation and policy, as well as strengthen enforcement.

**Treaty Bodies** have been drawing links between environmental harm and the enjoyment of human rights in Madagascar, and issuing recommendations since at least 2009.

In 2009, the Committee on Economic, Social, and Cultural Rights raised concerns regarding the unsustainable exploitation of natural resources and its impacts on the population's human rights. It noted the adverse impact of Madagascar's foreign investment law, which allowed for land acquisition

by foreign investors, on access to natural resources and land for peasants and those living in rural areas, and expressed further concern 'about the systematic exploitation of land and natural resources which affects the standard of living of the Malagasy population and its different ethnic groups, thus preventing them from maintaining their cultural and social links with their natural environment and their ancestral lands.'<sup>170</sup> The Committee recommended that Madagascar 'revise Law No. 2007-037 and facilitate the acquisition of land by peasants and persons living in rural areas, as well as their access to natural resources.' It also recommended that the State party carry out a national debate on investment in agriculture and seek, prior to any contracts with foreign companies, the free and informed consent of the persons concerned.<sup>171</sup> Finally, the Committee recommended that 'the State party adopt specific measures and appropriate legislation to protect the ancestral lands and cultural identity of different ethnic groups of the State party.'

Similarly, in its 2012 concluding observations, the Committee on the Rights of the Child expressed concern 'that exploitation of natural resources, including through the mining sector, extractive and forestry industries, and the tourism sector, does not always benefit the local community, including its children, and brings such harmful effects to families and children as economic exploitation of children and sex tourism, resettlement of communities without appropriate services, and harm to the environment and wildlife.' It therefore recommended that the State party 'establish and implement regulations to ensure that the business sector complies with international and domestic standards on corporate social responsibility, in line with the United Nations Business and Human Rights Framework.'

The **UPR mechanism** has also echoed and provided political weight to these recommendations to address the unsustainable exploitation of natural resources. For example, during Madagascar's first cycle review in 2010, Norway recommended 'that the principles of governance set out in the Universal Declaration



of Human Rights are applied, as they are key to the sustainable management of natural resources, such as protected rainforests, and essential to the realization of fundamental economic, social, and cultural rights’ (recommendation accepted by the State-under-review). In the face of an apparent absence of implementation, Norway reiterated the recommendation during the country’s second cycle review in 2014. Additional recommendations were provided during the third cycle review (2019), from Serbia to ‘strengthen national legislation on environmental protection’ (accepted), and from Switzerland to ‘promote the sustainable exploitation of its natural resources, in line with Sustainable Development Goals 14 and 15, especially through the sustainable management of its forests’ (accepted).

The **Special Procedures** have been, however, the mechanism that has provided the most guidance to Madagascar on how to improve its laws and policies to safeguard the environment and protect human rights, with both the Special Rapporteur on the right

to food, and the Special Rapporteur on human rights and the environment providing an extensive number of recommendations following their respective visits in 2011 and 2016.

In his 2011 report to the Human Rights Council, the Special Rapporteur on the right to food reiterated the Committee on Economic, Social, and Cultural Rights’ concerns regarding the regulation of large scale investment projects. He expressed further concern at the degradation of natural resources, trends of deforestation, the unsustainable exploitation of marine resources, as well as the vulnerability of coastal ecosystems to climactic shocks. To address these concerns, the Special Rapporteur recommended ensuring local communities receive a fair share of exploitable land, that environmental impact assessments be made compulsory and public, that local communities be given access to a mechanism that takes into account their interests in the allocation of permits for natural resource exploitation, that the State generally strengthen

the regulation of large-scale investments projects and national fishing, and that it seek immediate technical assistance to adapt to climate shocks.

Following his visit in 2016, the Special Rapporteur on human rights and the environment elaborated on many of these earlier recommendations, while recognising good practices and progress achieved, and providing additional recommendations to safeguard the environment. For example, following the State’s 2014 commitment<sup>172</sup> to strengthen the protection of marine resources by tripling the number of marine protected areas, the Special Rapporteur recommended that ‘in implementing this commitment, it will be important to ensure that local communities are consulted throughout the process, including in the delimitation of the protected areas, and in the recognition of the rights of those communities.’ Similarly, following the adoption of a law making environmental impact assessments mandatory, the Special Rapporteur recommended further improvements, ‘for example, by providing for public participation earlier in the procedure, streamlining access to the procedure by local communities, and providing for appeals of denials of requests for environmental information.’

Building on the Committee on the Rights of the Child’s 2012 concluding observation that ‘the exploitation of natural resources, including through the mining sector, extractive and forestry industries, and the tourism sector, does not always benefit the local community,’ the Special Rapporteur also specified how to develop legislation to ensure extractive companies (particularly mining companies) comply with the UN Guiding Principles on Business and Human Rights. He furthermore offered more specific recommendations on strategies for environmental protection, explaining, for example, that ‘mining activities should be authorised only if they avoid, minimise and, to the extent possible, restore the site and offset environmental harm.’

Moreover, in a notable example of the synergies generated by different parts of the international system, the Special Rapporteur recommended that the State ‘satisfy the recommendations of the Standing Committee and secretariat of the

Convention on International Trade in Endangered Species of Wild Fauna and Flora, including by greatly strengthening the effective enforcement of its laws against illegal logging and trafficking,’ particularly of rosewood and ebony.

Finally, in recognition of the notion that the best way to protect the environment is to protect those that defend it, the Special Rapporteur urged the Government to respond quickly and effectively to threats against EHRDs, and implement the recommendations of the Special Rapporteur on the situation of human rights defenders on creating a safe and enabling environment.

Taken together, these recommendations provide a clear roadmap for the State to better safeguard the environment and the rights of those who depend on it, by closing regulatory gaps in terms of environmental protection, ensuring better enforcement, and investing in those best placed to safeguard the environment by protecting the rights of local communities and environmental human rights defenders.



UNEP project ‘Adapting Coastal Zone Management to Climate Change in Madagascar’ / UNEP

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**The Constitution of Madagascar and its Environmental Charter, adopted in 1990 and amended in 2015, establish the fundamental right of all Madagascans to live in a healthy and balanced environment, as well as other important provisions related to environmental protection.**



## IMPLEMENTATION AND IMPACT

Through its engagement with the UN human rights mechanisms, and its willingness to implement their recommendations, often with UN (including UNEP) assistance, Madagascar has been able to improve its environmental protection laws and policies, along with their enforcement, and make significant progress in safeguarding the country's natural heritage.

For example, in 2014, the Government, in partnership with UNEP, initiated an ecosystem-based adaptation programme for its coastal zones.<sup>173</sup> Following the Special Rapporteur on the right to food's 2011 recommendations to address climatic shocks, reduce deforestation, and improve sustainable resource exploitation by investing in local communities, the programme worked to train climate-vulnerable communities in alternative, resilient livelihoods, in addition to building and restoring a sea wall to protect affected communities from sea-level rise. It also worked to rehabilitate 350 hectares of mangrove forests (with important climate change adaption benefits), and train communities in sustainable farming in order to reduce deforestation.

The following year, Madagascar further addressed the Special Rapporteur on the right to food's concerns regarding large scale investment projects by adopting the 2015 Environmental Charter, which explicitly seeks to 'reinforce the compatibility of investments with the environment and social issues.'<sup>174</sup> Importantly, the Charter established the obligation to conduct environmental impact assessments for all projects of public or private investment. After the Special Rapporteur on human rights and the environment provided additional recommendations to strengthen its environmental impact assessment procedure, the Malagasy Government quickly complied by including such a revision amongst the policy objectives of its Plan Emergence Madagascar 2019-2023, which *inter alia* aims to minimise the environmental damage caused by mining and hydrocarbon exploitation and to restore lost forest cover. Moreover, when, in 2022, the Government reviewed its investment law and

enacted Law 2022-013, the revised law reaffirmed 'the recognition of local rights, the communes' land management competences, and land certification as a legal security option for citizens.'<sup>175</sup>

Addressing the Committee on the Rights of the Child's and the Special Rapporteur on human rights and the environment's recommendations (from 2012 and 2016 respectively) to improve corporate compliance with the UN Guiding Principles on Business and Human Rights, the Government's 2019 national report to the Committee noted that in April 2017, the Ministry of Industry and Private Sector Development conducted a training-for-trainers programme to establish a children's rights protection system within companies, primarily in the agrifood and agro-industrial, mining and oil, tourism, telecommunications, banking, and services sectors. The Government further worked with UNICEF to develop a code of conduct for actors in the tourism sector, which now has over a 1,000 signatories, and that commits economic actors to promote and protect international human rights and environmental standards.

Madagascar has also made strides in addressing the various recommendations pertaining to sustainable resource management, including by significantly expanding its protected areas (terrestrial and maritime), and by integrating human rights safeguards into environmental protection policies. For example, in 2016, the UNEP-supported 'Alliance for Zero Extinction' undertook a project in Madagascar's Tsitongambarika area to improve sustainable resource exploitation. The 41,000 hectare Tsitongambarika forest, a unique ecosystem with 80-90 per cent of its life being endemic species, has been under threat by illegal timber exploitation and slash-and-burn agriculture. Under the project, the forest has been granted permanent conservation status, and the project team has helped local communities manage the forest's natural resources by introducing sustainable livelihood activities (such as vegetable farming and beekeeping) that seek to lift-up communities without threatening the forest's biodiversity.



Max Andonirina Fontaine, Minister for the Environment and Sustainable Development, Madagascar during a MEA Dialogue at the sixth session of the UN Environment Assembly in Nairobi, 2024 / UNEP



Similarly, in 2017, UNEP launched the ‘Conservation of key, threatened, endemic and economically valuable species’ programme, in collaboration with Madagascar’s Ministry of Environment and Sustainable Development and local partners. The programme (which ran until 2022) sought to reduce threats to 21 economically important but threatened species of redwood trees at 18 sites across Madagascar. The species have been threatened by illegal logging and habitat loss. The UNEP-led programme worked to reinforce the population of the trees via a number of methods, including the production of over 2,000 young rosewood plants through a process called air-layering, which allows Madagascar’s conservationists to grow new roots from a plant’s branches. Further, between 2018 and 2021, over 100,000 hectares of community protected areas were created in Madagascar’s Andrefana region (with the assistance of the Global Environment Fund and UNDP), while reforestation efforts in the Atsimo Andrefana region resulted in the planting of nearly eight million seedlings between 2019 and 2021.

Regarding the protection of maritime resources, in 2014, three years after the extension of recommendations by the Special Rapporteur on the right to food, Madagascar committed to triple the number of marine protected areas over a five to ten year period. In 2016, the Global Environment Facility (GEF - which works hand-in-hand with UNEP) approved Madagascar’s Sustainable Marine Resources Management Programme to establish an effective network of marine protected areas to conserve the country’s marine biodiversity, while also improving its management of fish stocks. In order to carry out this project, the Government conducted over 30 consultations with local communities and fishermen’s associations that were likely to be impacted in order to allow their opinions to be taken into account in the decision-making process, as recommended by the Special Rapporteur on human rights and the environment that same year. As a result, between 2016 and 2018, the country increased the area of its marine protected areas from 634,512 hectares to 1,076,822 hectares, through the application of a ‘new partnership approach with local communities and stakeholders.’<sup>176</sup> The country further aims to fund 851,000 hectares of marine protected areas by 2026.<sup>177</sup>

Madagascar has also taken steps to ensure that these newly-protected areas were adequately managed, in line with UN recommendations to this effect, by revising the Protected Areas Management Code, in particular by ensuring the equitable distribution of the benefits generated by natural resources. Importantly, the various recommendations on this issue were integrated into UN’s Sustainable Development Cooperation Framework (UNSDCF) with Madagascar for the period 2021-2023. One of the four priorities of the UNSDCF is strengthen sustainable, resilient, and inclusive environmental management, enabling UNEP to play a key role in the development of strategies to manage these protected areas. From 2018 to 2022, UNEP ran a project entitled ‘Strengthening the network of new protected areas in Madagascar,’ in partnership with GEF and the Ministry of the Environment and Sustainable Development. The project sought ‘to strengthen the network of new protected areas representing terrestrial, marine, coastal, and freshwater ecosystems, with a view to the sustainable conservation of biodiversity and the improvement of the standard of living of the population through the sustainable use of these resources.’<sup>178</sup> After its completion, in December 2022, the Ministry announced the launching of the Madagascar Coalition for Protected Areas, whose goal is to secure investment for the management and conservation of the country’s protected areas as ‘agents-of-change for poverty alleviation of local communities and sustainable development of local and regional economies.’ The Government has additionally established a National Training Centre for Forestry Technicians to provide forest resource management support and services, as well as an interministerial environment committee to facilitate across-government coordination with a view to promoting the involvement of all sectors in sustainable environmental management.

Beyond adopting laws to delimit protected areas, the Malagasy Government has also worked to increase its capacity to enforce national laws and policies, notably by establishing judicial police officers working in the environment and sustainable development sector, who have, *inter alia*, been charged with carrying out environmental patrols. In 2016, following recommendations by the Special Rapporteur on human rights and environment and

the Standing Committee of CITES, Madagascar established a special mechanism to combat trafficking in rosewood and ebony (under Act No. 2015-056). As a result of these measures, amongst others, the Government has increased its capacity for ecological monitoring of protected areas (and thus its ability to enforce laws regarding protected areas), from 37 per cent of protected areas in 2016 (when the Special Rapporteur recommendation was made) to 60 per cent in 2020.<sup>179</sup>

In conclusion, Madagascar presents a remarkable example of how sustained and complementary attention from the three human rights mechanisms combined with the political will to implement their recommendations with technical support from a UN agency such as UNEP can result in significant advances in the promotion and protection of both human rights, and the conservation of the natural environment.



UNEP project ‘Adapting Coastal Zone Management to Climate Change in Madagascar’ / UNEP



**Identified sub-theme: Air pollution**

**BACKGROUND**

According to the UK Government, air pollution is the largest environmental risk to public health.<sup>180</sup>

The annual mortality caused by anthropogenic air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths every year. It is estimated that between 2017 and 2025, the total cost to the country's public health and social care system of air pollutants (fine particulate matter and nitrogen dioxide<sup>181</sup>) will amount to £1.6 billion.

Air pollution causes and/or worsens health effects in all individuals, particularly society's most vulnerable population groups (for example, children, the elderly, pregnant women, low-income communities). Long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy. Short-term increases in levels of air pollution can also cause a range of health impacts, including effects on lung function, exacerbation of asthma, increases in respiratory and cardiovascular hospital admissions, and mortality.

Ambient air pollution originates from sources including transport, industrial processes, farming, energy generation, and domestic heating. Concentrations of air pollutants can vary both temporally and spatially but are typically higher close to the source. In urban areas especially, concentrations of particulate matter and nitrogen dioxide can be particularly high. An estimated 84 per cent of the UK population lives in urban areas.<sup>[1]</sup>

Given the UK's devolved status, certain executive and legislative powers are delegated from the central administration to the devolved administrations of Scotland, Wales, and Northern Ireland. With regards to environmental policy, this means that while the devolved nations have to cooperate with the UK Government to set common principles, there are also policy divergences, that have been accentuated by the UK's departure from the European Union (EU) in 2020.

Prior to its departure, air quality regulation in the UK was largely driven by EU legislation. This included the National Emissions Ceilings Directive (2001/81/EC), the Ambient Air Quality Directive (2008/50/EC), and the Industrial Emissions Directive (2010/75/EC). The need to comply with EU law resulted in a steady UK-wide decrease in annual concentrations of fine particulate matter, between 1992 and 2021. On at least two occasions, the Government was made to comply with EU law through public interest litigation brought before the High Court by the environmental NGO ClientEarth, while on several occasions, the European Commission referred the UK to European Court of Justice for its failure to meet air quality targets.

Although major EU directives relevant to air quality were directly transposed into domestic legislation as part of the Brexit process, environmental activists and human rights mechanisms are increasingly raising the alarm regarding the risks of environmental and human rights regression as a result of the loss of EU legal safeguards.

**“The annual mortality caused by anthropogenic air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths every year.”**



**ENGAGEMENT WITH THE UNITED NATIONS HUMAN RIGHTS SYSTEM**

The UK is party to seven core human rights treaties, including the International Covenant on Economic, Social, and Cultural Rights (ratified in 1976), the International Covenant on Civil and Political Rights (1976), the Convention on the Elimination of All Forms of Discrimination against Women (1986), and the Convention on the Rights of the Child (1991). The UK is regularly reviewed by the Treaty Bodies that oversee compliance with these treaties, including, most recently, the Committee on the Rights of the Child (2022), the Committee on the Rights of Persons with Disabilities (2011), the Committee on the Elimination of Discrimination against Women (2017), and the Committee against Torture (2023).

The UK is also party to several multilateral environmental agreements, including the Convention on Long-Range Transboundary Air Pollution (1982).

The UK maintains a standing invitation to the Special Procedures (since 2001), and has received 22 visits, including a visit by the Special Rapporteur on toxics and human rights, in 2017.

The UK has further undergone four reviews under the UPR mechanism (in 2008, 2012, 2017, and 2022).

The UK's international legal obligations are reinforced by its obligations under regional treaties such as the European Convention on Human Rights (1951 – the UK was the first country to ratify the Convention) and the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention), (since 2005).

In 2021, the UK voted in favour of the adoption of Human Rights Council resolution 48/13, recognising the right to a clean, healthy, and sustainable environment (R2E),<sup>[1]</sup> and the following year in favour of General Assembly resolution 76/300 recognising the same universal right. However, during its statement made in explanation of the vote before voting, the UK representative remarked that R2E ‘was not a customary right, nor had it been agreed in any human rights treaty,’ and therefore stressed there was a degree of ambiguity given that ‘individuals cannot know what they can legitimately claim from the State, and the State has no clear understanding of the protection it is obliged to afford to the individual.’ Furthermore, the UK underscored that human rights resolutions are ‘not legally binding instruments.’<sup>[13]</sup>





Activists gather to demand clean air as Edinburgh Air Pollution Zone to be expanded / Friends of the Earth Scotland, Maverick Photo Agency

The UK's somewhat ambiguous position on the question of the relationship between human rights and the environment (the UK broadly recognises the relationship but with multiple legal caveats), has translated into a rather lukewarm response to recommendations from the international human rights mechanisms relating to environmental matters, including air pollution. For example, in the context of its third cycle UPR review in 2017, the UK only 'noted' (i.e., in effect rejected) all three recommendations it received on issues relating to the environment and human rights, including one from the Maldives to 'adopt a rights-based approach to its forthcoming Emissions Reduction Plan.' In its response, the UK stressed that it 'considers that the rights-based approach is assured through existing domestic legislation, including under the Human Rights Act 1998 and the Equality Act 2010.' As a result, its national report ahead of its fourth cycle review contained no mention of environmental matters.

Notwithstanding this reticence to engage on matters relating to human rights and environment, the UN human rights mechanisms have nonetheless regularly highlighted the negative impacts of air pollution in the UK on the enjoyment of human rights, and have issued multiple recommendations to address the situation. Many of these recommendations have been backed and informed by research carried out by UNEP.

For example, UNEP's 2015 review of national air quality policies found that while air quality in the UK was better overall than (at the time) other EU Member States, its concentration of certain pollutants was higher than WHO recommended levels.

The following year, the Committee on the Rights of the Child expressed its concern 'at the high level of air pollution' in the UK. It recommended that the Government 'set out a clear legal commitment, with appropriate technical, human, and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas.'<sup>[1]</sup> In its

response to the list of issues prior to reporting ahead of its next review, the Government responded that it was 'aware of the impact poor air quality has on children's health, and data is available to inform the public about the effect of pollution. [The] Clean Air Strategy (2019) outlines comprehensive actions for dealing with all sources of air pollution.'

These concerns were reiterated following the 2017 visit of the Special Rapporteur on toxics and human rights, who noted that strong EU standards for air quality had forced the UK to take action on a long-standing, invisible threat to the rights of children and the population at-large. He therefore called on the State to ensure that its (at that time) planned departure from the EU would not result in 'a regression [in] human rights and environmental standards.'<sup>[1]</sup> He encouraged the Government to negotiate to 'remain within European Union systems such as REACH and to continue to abide by the evolving air quality standards of the European Union, including its Clean Air Policy Package.'<sup>[2]</sup> The Special Rapporteur also recommended that the UK 'implement a robust clear air plan without delay, heeding recommendations by specialists on the most effective methods to cut air pollution, for example by developing an extensive network of clean air zones across the country.'<sup>[4]</sup>

The Special Rapporteur expressed further concern at the adverse effects of water and air pollution resulting from fracking in England (given Scotland and Wales' moratorium on the practice). Amongst other adverse effects, the Special Rapporteur pointed to the negative impact on 'babies born to mothers living in the vicinity of well pads,' and cited UNEP's conclusion that hydraulic fracking may result in unavoidable environmental impacts, thus undermining the enjoyment of the right to a clean, healthy, and sustainable environment. He recommended that the UK 'impose stronger and more coherent regulations on fracking to minimise its negative impacts and ensure that local decision-making on authorisation and permitting is coupled with thorough, transparent assessments which fully consider the human health, environmental, and human rights implications.'



Echoing these concerns, as well as those expressed in a further UNEP report (2019) that highlighted the particular risks posed by air pollution to population groups from socio-economically disadvantaged backgrounds, the Committee on the Elimination of Discrimination against Women's 2019 concluding observations to the UK expressed concern at the disproportionately harmful effects of fracking-related pollution on women in rural areas, 'including exposure to hazardous and toxic chemicals, environmental pollution, and the effects of climate change.' It recommended that the UK 'review its policy on fracking and its impact on the rights of women and girls and consider introducing a comprehensive and complete ban on fracking.'<sup>182</sup> In 2021, the UK provided an interim report in response to the Committee's 2019 concluding observations but did not address recommendations related to the environment.<sup>183</sup>

During its fourth cycle UPR review in November 2022, the UK received a series of recommendations related to pollution, many of which referenced the UN's recent recognition of the right to a clean, healthy, and sustainable environment (which the UK supported). The Marshall Islands, for example, recommended that the UK 'intensify efforts to address the harmful effects of fracking, environmental pollution, and climate change to ensure that all persons can enjoy a clean, healthy, and sustainable environment.' The UK again merely 'noted' this recommendation and responded that it 'is already a world-leader in terms of regulations and measures to protect people and the environment.' According to its response, the UK Government maintains 'a moratorium [...] on hydraulic fracturing for shale gas extraction.'

The UK likewise only 'noted' all other recommendations it received relating to R2E, arguing in its response that the right to a clean, healthy, and sustainable environment 'has not been defined or agreed in any international treaty instrument,' and that its definition and scope should be agreed intergovernmentally. These 'noted' recommendations included: a recommendation extended by the Maldives calling on the UK to 'continue to strengthen the legal and institutional systems on environmental protection, in particular with respect to the right to a healthy environment,' a recommendation extended

by Vanuatu urging the UK to 'enhance the Government's commitment to take ambitious action to combat climate change, biodiversity loss, and environmental degradation, by recognising the right to a clean, healthy, and sustainable environment, and align its legislation to guarantee the enjoyment of this right by all,' and a recommendation extended by Costa Rica calling on the UK to 'incorporate the human right to a clean, healthy, and sustainable environment in its legal system.'

Furthermore, during the same (fourth) UPR cycle, the UK also received recommendations related to its emission reduction targets. The UK 'partially supported' these recommendations, arguing that while the Government 'supports the premise' of such proposals, it believes that it already has the measures and legislation in place to address such issues. Examples of these recommendations included one from the Bahamas urging the UK to accelerate efforts 'to achieve the objective of net zero carbon emissions by 2050, including by ensuring the mobilisation of adequate resources for this purpose,' and one from Samoa, calling for emission reductions that go beyond 'emission reduction targets in NDCs.'

Finally, the UK also only 'noted' a recommendation made by Panama that it 'sign the Declaration on Children, Youth, and Climate Action, and accelerate action to achieve net zero emissions no later than 2050.'<sup>184</sup>

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The UK's somewhat ambiguous position on the question of the relationship between human rights and the environment has translated into a rather lukewarm response to recommendations from the international human rights mechanisms relating to environmental matters, including air pollution.



UK's first ultra-low emission streets / Matt Brown



## IMPLEMENTATION AND IMPACT

Notwithstanding the UK's lukewarm response to UN recommendations relating to human rights and the environment, it has nonetheless taken several important steps in line with those recommendations in recent years.

With regards to the Special Rapporteur on toxics and human rights' 2017 recommendation that the UK establish adequate safeguards to prevent Brexit from initiating a regression on human rights and environmental standards, it is noteworthy that the EU-UK Trade and Cooperation Agreement, in force since 2021, explicitly provides for the non-regression from levels of environmental and climate protection and reaffirms the parties' commitment to 'continue to strive to increase their respective environmental levels of protection'.<sup>185</sup> For the purpose of these provisions, 'environmental levels of protection' include, among other things, industrial emissions, air emissions, and air quality.<sup>186</sup>

Moreover, the UK has – to-date – largely abided by its commitment to non-regression. It has mostly maintained pre-Brexit environmental regulations. Where there have been changes, these mostly involve updating the language in domestic legislation to remove references to the EU.<sup>187</sup> In terms of the EU's Clean Air Policy Package and other EU air regulatory standards, their limits on concentration of pollutants have remained binding regulations in the UK post-Brexit, as they had previously been transposed into domestic law through the 2010 Air Quality Standards Regulations and the 2019 Amendment of Domestic Air Quality Regulations (one for each devolved administration). Similarly, in line with the Special Rapporteur's call to work to remain in certain EU programmes such as REACH, which applies to the registration, evaluation, authorisation, and restriction of chemicals, including many with implications for air pollution, the UK has transcribed the relevant EU regulation into UK law under the name UK REACH.

Also in line with the Special Rapporteur's recommendation to enact post-Brexit environmental protection legislation, in 2021, the UK passed the Environment Act, which requires the Government

to set long-term targets for England in four priority areas, including air quality, as well as an additional target on fine particulate matter (the Government published a consultation paper in March 2022 requesting views on what that targets should be). The Act does not, however, include specific provisions on environmentally-vulnerable population groups. Heeding warnings from environmental activists and the Special Rapporteur, that departure from the EU's monitoring mechanisms could lead to a governance gap, the Act does, however, establish an Office for Environmental Protection, an environmental watchdog with the mandate to monitor compliance with environmental targets for England and Northern Ireland. Scotland established a similar body called Environmental Standards Scotland and the Welsh Government is in the process of following suit.

Moreover, all of the devolved administrations have developed clean air strategies that provide additional air quality safeguards. In England, recommendations from the human rights mechanisms, including the Committee on the Rights of the Child and the Special Rapporteur on toxics and human rights, calling for the establishment of Clean Air Zones (CAZs), were not taken up by the Government. Instead, the matter was left in the hands of municipal and local administrations (for example, between 2019-2023, the Mayor of London gradually introduced a Ultra Low Emission Zone (ULEZ), within which an emissions standard-based charge is applied to non-compliant road vehicles.<sup>188</sup> Today, ULEZ covers all of Greater London, covering over 1,500 square kilometres and approximately 9 million people. The UN recommendations were however, directly taken up by the devolved administrations, and have helped trigger changes in Scotland, Wales, and Northern Ireland. In Scotland, Low Emission Zones have been introduced pursuant to the 2019 Scotland Transport Act.<sup>189</sup> In Wales, CAZs have been established pursuant to the 2018 Clean Air Zone Framework for Wales.<sup>190</sup> While in Northern Ireland, the Administration is in the process of creating a Clean Air Strategy for Northern Ireland, which may include the introduction of CAZs.<sup>191</sup>





Unfortunately, however, the Committee on the Rights of the Child's 2016 recommendation calling on the UK to address the negative effects of air pollution on children through targeted policies, such as projects to reduce emissions around schools, has been largely ignored at national level and left to the discretion of local authorities. One exception is a Welsh proposal for a Clean Air Bill, the White Paper for which repeatedly refers to the importance of safeguarding children's health and explicitly affirms the importance of remaining compliant with the obligations set out in the Convention on the Rights of the Child. The White Paper explains that the Clean Air Bill must be placed 'within the context of our obligations under the 'Well-being of Future Generations Act,' and the United Nations Convention on the Rights of the Child (UNCRC).'<sup>192</sup> If adopted, the Bill would, for example, compel local authorities to implement anti-idling measures (technologies and practices that minimize the amount of time drivers idle their engines), and increase penalties for idling around schools. Speaking about the Bill, the then Welsh Minister for Environment, Energy, and Rural Affairs said: 'Breathing clean air and having access to a healthy environment is a right, not a privilege. We must take decisive and lasting action now to enable our future generations to lead healthy lives.' Upon the introduction of the Bill to the Welsh Parliament (Senedd Cymru) in March 2023, the accompanying explanatory memorandum laid out the requirement for Welsh ministers 'to have due regard to the United Nations Convention on the Rights of the Child' when developing the Bill's provisions. The memorandum also underscored the importance of the Bill for children's right to health, as it would contribute to 'reducing air and noise pollution, and the associated risks to children's health and educational attainment.'<sup>193</sup> As of April 2024, the proposed bill was still being scrutinised by the Senedd Climate Change, Environment and Infrastructure committee.<sup>194</sup>

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have developed clean air strategies that  
provide additional air quality safeguards.

Regarding the recommendations received from the CEDAW Committee and the Special Rapporteur on toxics and human rights pertaining to fracking, while the UK did initially implement these recommendations following England's decision, in 2019, to join the devolved administrations in placing a moratorium on the practice, that ban was subsequently lifted in 2022 by the-then Prime Minister, Liz Truss.

There is, however, hope of further progress in the implementation of a human rights-based approach to air pollution policy following the tabling by a member of the Green party, in 2018, of a draft 'Clean Air (Human Rights) Bill' (CSHR Bill). The Bill, currently being reviewed by the House of Commons, would establish the human right to breathe clean air precisely and explicitly in UK law. It would require the Secretary of State to achieve 'clean air' throughout England and Wales within five years of the passing of the Act and maintain it thereafter. Once enacted, the legislation is expected to be called 'Ella's Law,' in memory of Ella Roberta who was the first person in the UK to have 'air pollution' on her death certificate (in 2013).

The law would further require the Government to limit the concentration of pollutants in the air in England and Wales in line with WHO recommendations, and create a 'Citizens' Commission for Clean Air' with the power to monitor and enforce the right to breathe clean air, and to advise the Secretary of State on pollutant limits, with due regard to 'the needs of sensitive population groups including children, the elderly, and other individuals who are particularly susceptible to air pollution.'



Edinburgh Climate March COP27 November 2022  
/ Friends of the Earth Scotland





FIJI

## Identified sub-theme: Disaster risk reduction

### BACKGROUND

Fiji, is an archipelago State in the Pacific, consisting of 332 islands. Like other Small Island Developing States (SIDS), Fiji is highly vulnerable to extreme weather phenomena (i.e., tropical storms, flash floods and landslides, high tides, and coastal inundation). With human-induced climate change accentuating both the intensity and frequency of such events, Fiji's population and infrastructure, which are mostly located along the coast, are particularly vulnerable to sea-level rise and other damage resulting from natural disasters, with dramatic implications for Fijians' enjoyment of human rights.

For example, Fiji is the country with the second highest rate of per capita fatalities from natural disasters, while the country's exposure to extreme weather events further translates into increased socio-economic vulnerabilities resulting *inter alia* from loss of livelihoods, traditional identity and knowledge, destruction of infrastructure, and the gendered impacts of displacement. This undermines Fijians' enjoyment of their civil, political, social, economic, and cultural rights, as well as their right to live in a clean, healthy, and sustainable environment. According to the 2018 Climate Vulnerability Assessment, the country's economic losses due to floods and tropical cyclones represent over 5% of annual GDP, pushing 3.1% of the population into poverty every year (a number that is expected to increase to 3.8% by 2050).

Aware of its precarious situation, Fiji was an early adopter of policies to strengthen disaster risk reduction, including through the development of an institutional and legislative framework to reduce and manage disaster risk and its negative implications for human rights. As early as 1995, Fiji adopted a Disaster Management Plan, which outlined the respective roles of government agencies and other stakeholders in disaster management activities. In 1998, Fiji further institutionalised this strategy through the Natural Disaster Management Act.

Policy gaps and shortcomings remained, however, notably in terms of ensuring a human rights-based approach to disaster risk reduction, for example by taking into consideration the needs of the most vulnerable, and ensuring the adequate participation all population groups, particularly women and children, in decision-making. In 2016, the devastating impacts of Cyclone Winston (the most intense tropical cyclone ever recorded in the Southern hemisphere) brought many of these deficiencies into sharp relief. The cyclone severely affected 350,000 people (around 40% of the Fijian population), destroyed 40,000 homes, and led to damage amounting to US\$ 1.4 billion (25% of annual GDP).

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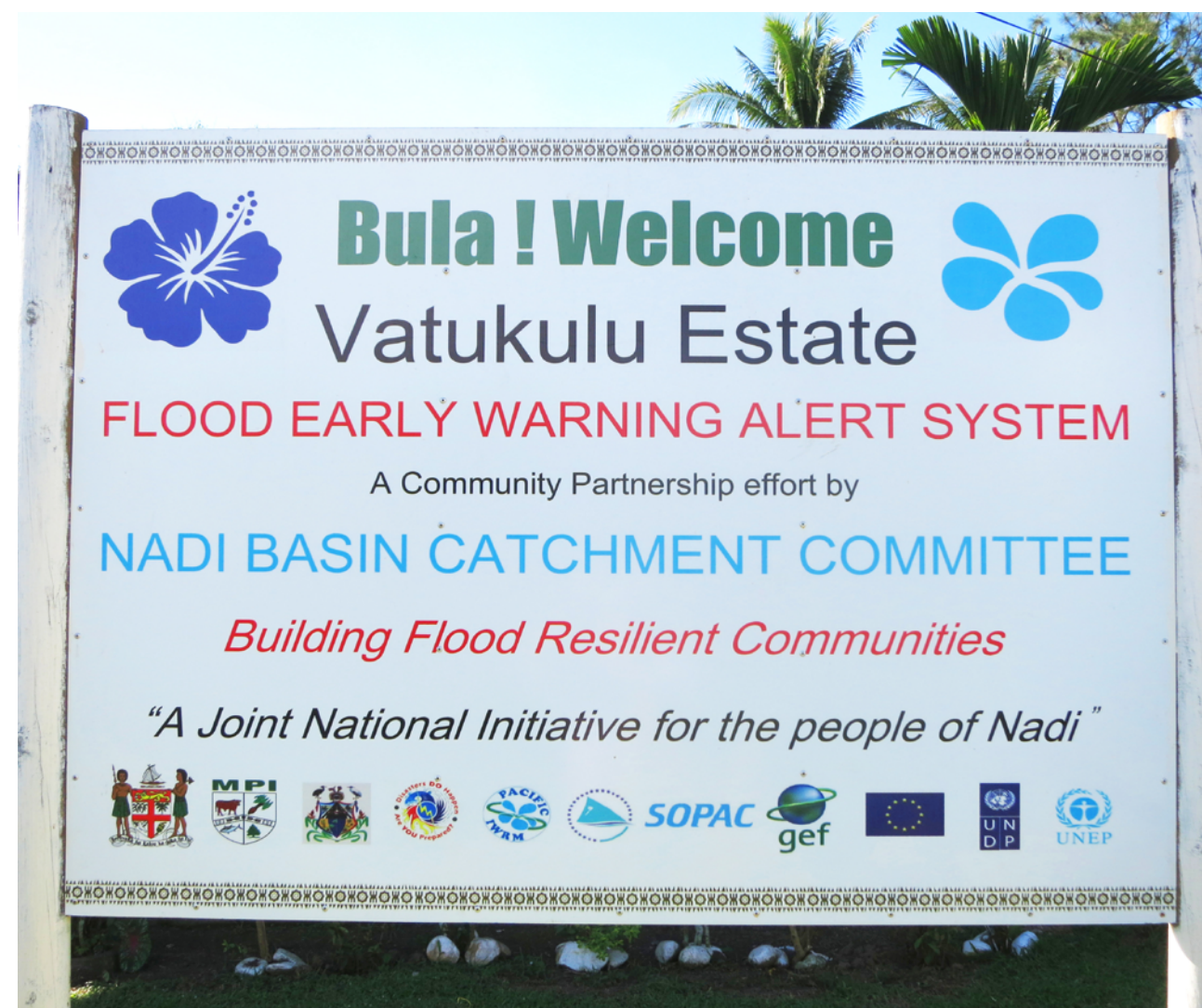


Fiji Ecotourism Project / ICEM International Centre for Environmental Management



Fiji's vulnerability to the negative human rights impacts of climate change, including those caused by extreme weather events, has made it a leading voice calling for action at the Human Rights Council. It has also meant that the State is well-disposed towards close cooperation with the UN human rights mechanisms, with the aim of strengthening domestic resilience, and promoting a human rights-based approach to environmental and climate policy (including a focus on vulnerable population groups).

For example, aside from being the first country to ratify the Paris Agreement in 2016, in 2019 Fiji became the first Pacific Island nation to be elected as a member State of the UN Human Rights Council, and in 2021, became the first SIDS to be elected President of the UN's apex human rights body. That same year, the Council adopted two landmark resolutions: resolution 48/13 recognising the human right to a clean, healthy, and sustainable environment (R2E), and resolution 48/14 (co-sponsored by Fiji) establishing a new Special Procedures mandate on human rights and climate change.



Vatukulu in Western Fiji is proud of its early warning system and thanks the valuable support of various partner / UN DRR

## ENGAGEMENT WITH THE UNITED NATIONS HUMAN RIGHTS SYSTEM

Fiji is party to all nine core human rights treaties, including the Convention on the Rights of the Child (1993), and the Convention on the Elimination of All Forms of Discrimination against Women (1995). Fiji has reported to the Committee on the Elimination of Discrimination Against Women three times (2000, 2008, 2016), and the Committee on the Rights of the Child twice (1996, 2011). Fiji maintains a standing invitation to Special Procedures mandate-holders (since 2015), and has completed seven visits since 1999, including one by the Special Rapporteur on human rights and the environment in 2018. Additionally, Fiji has undergone three review cycles under the UPR (2010, 2014, 2019).

All three human rights mechanisms have issued recommendations to Fiji to improve its disaster risk reduction (DRR) policies, notably by taking into consideration the rights of the most vulnerable and marginalised.

In 2014, for example, in its list of issues prior to reporting, the Committee on the Rights of the Child asked Fiji to provide information on the State's efforts to promote children's participation in the development and implementation of its National Climate Change Policy. In response, the State noted the work of the Climate Change Unit of the Ministry of Foreign Affairs, and its support to local communities through capacity-building initiatives such as the Child-Centered Climate Change Adaptation Project, which aims to strengthen children's resilience to disasters.

In its concluding observations, while welcoming the National Climate Change Policy and 'the increased efforts by the State party to provide forums where children are taught about climate change and measures to address climate change,' the Committee noted with concern 'that insufficient measures [have been] taken to enable children to have their voices heard and contribute to decisions made with regard to climate change.' The Committee expressed further concern at the impact of climate change on Fijian children, 'in particular those living in Fijian

communities in coastal and low-lying areas, where climate change is resulting in the loss or salinization of land and fresh water resources, and reduced opportunities for agriculture and subsistence living.' Members stressed that 'children face more acute risks from disasters and are more vulnerable to climate change than adults.'

To address these concerns, the Committee recommended that the State, when 'developing policies or programmes to address the issues of climate change and disaster risk management, ensure that the special physical and psychological vulnerabilities and needs of children, as well as their views, are taken into account, and that children are fully involved in the policy dialogue on climate change.' The Committee further recommended implementing national legislation and policies for sustainable safe water supplies and sanitation, strengthening social protection systems to 'ensure children and families affected by climate change receive sufficient and adequate support,' and increasing 'children's awareness and preparedness for climate change and natural disasters by incorporating it into the school curriculum and teacher training programmes.'

Similarly, in 2018, the Committee on the Elimination of Discrimination against Women expressed concern that, while the State has played a leading role in international climate change negotiations, 'at the national level women are largely excluded from the process of drafting and implementing policies and action plans on climate change and disaster risk reduction, even though they are, on the one hand, disproportionately affected by climate change and, on the other, the best agent for change in their communities.' The Committee's concluding observations further drew attention to the disproportionate burden and gendered impact that women and girls face in the aftermath of disasters, notably as a result of 'the even greater than usual risk of gender-based violence,' and the 'particularly high care burden' associated with 'being in charge of finding resources to sustain their family.'



To counter these concerns, the Committee recommended that the State ‘ensure that women participate in the drafting of plans and strategies for disaster preparedness,’ including by providing ‘girls with career counselling, scholarships, and other incentives to orient them to science and technology subjects, including meteorological studies, disaster risk reduction, and climate change.’ It further recommended a series of gender-sensitive policies to mitigate the disproportionate burden carried by women in the aftermath of disasters, notably by: setting up ‘public funds to support families in the wake of disasters, and create a system for the immediate supply of basic necessities, including water and sanitation, food and urgently needed medication, in case of emergency,’ ‘ensur[ing] that disaster preparedness plans include provision for setting up women-only shelters, where women can report cases of gender-based violence and obtain access to redress and rehabilitation,’ ‘tak[ing] into account the greater vulnerability of rural women

in the face of natural disasters and climate change when drafting disaster risk reduction and climate change policies,’ and ‘ensur[ing] that schools that have been destroyed or affected by disasters are renovated or rebuilt speedily in conformity with disaster resilience standards, and provide appropriate hygiene and sanitation facilities.’

Moreover, in a demonstration of the complementarity and cascading effect of human rights mechanism recommendations, these Treaty Body recommendations were subsequently reiterated, amplified, and reinforced by the Special Procedures. For example, following his visit to Fiji in 2018, the Special Rapporteur on human rights and the environment recommended that the State implement ‘the [2014] recommendations of the Committee on the Rights of the Child regarding the need to protect children’s rights from environmental hazards, and include their voices in climate policy actions.’

Similarly, following his 2019 visit, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health recommended that Fiji continue its efforts to address the effects of the climate emergency and natural disasters that undermine the country’s ability to provide for medical needs and services, especially for children and vulnerable and isolated communities, pointing in particular to the issue of power outages undermining cooling systems required to store insulin. He expressed further concern at the ‘lack of adequate shelters available for victims of gender-based violence, a problem compounded by the increases in gender-based violence during disasters and [in] post-disaster situations.’

Finally, turning to the UPR mechanism, while Fiji received no recommendations directly related to disaster risk reduction during the first two cycles, during its third cycle review (2019), 12 of the 242 recommendations received related to disaster risk reduction. This was partly a result of the increased attention devoted to the issue on the part of the Treaty Bodies and Special Procedures over the preceding years, but also of the increased focused on disaster risk in the three input reports into the UPR process (the national report, the UN system report, and the ‘other stakeholders’ report).

Ahead of Fiji’s 2009 review, the human rights dimension of disaster risk reduction was barely mentioned in any of the three input reports. By 2014, both the national report and the UN system report spoke of disaster risk. In its national report, Fiji highlighted responding to and applying a rights-based approach to ‘climate change and disaster risk reduction’ as a national strategic priority.<sup>195</sup> The 2014 UN system report likewise drew attention to ‘environment and disaster management’ as one of the five thematic priorities included in the 2013-2017 UN Development Assistance Framework (the forerunner of UNSDCFs), agreed between the Government and the UNCT.<sup>196</sup> It was also reported that OHCHR’s Regional Office for the Pacific would support Fiji in realising these priorities. The 2014 UN system report also noted that ‘in 2012, Fiji had

launched its national climate change policy and was finalising guidelines on internal relocation within the context of climate change.’<sup>197</sup>

Notwithstanding, despite this emergent focus on disaster risk reduction, Fiji did not receive any recommendations on the subject during its second UPR cycle. That would change however, in 2019.

In 2019, all three input reports provided information on the human rights dimension of disaster risk reduction (though the UN system report was the weakest of the three in that regard, merely repeating earlier relevant recommendations extended by the Treaty Bodies and Special Procedures). In its UPR third cycle national report, for example, the State recognised ‘the inextricable links between climate change, disaster resilience, and human rights, [including] *vis-à-vis* the special vulnerabilities of women, children, and persons with disabilities in climate and disaster induced migration.’<sup>198</sup> Fiji reported that it had ‘established a robust legislative and policy framework not just in relation to a disaster response, but also to building strong and resilient communities to ensure all Fijians continue to enjoy basic human rights and freedoms even in the face of climate change and natural disasters.’ The State also provided information on Fiji’s first National Adaptation Plan, which, it explained, adopts a ‘holistic approach to reducing risk and stresses the critical importance [of] responding to climate change and building disaster resilience to ensure all Fijians continue to enjoy basic human rights and freedoms despite the change in climate conditions.’

The ‘other stakeholders’ report also focused, to a considerable degree, on disaster risk reduction. For example, in its submission, Fiji’s Human Rights and Anti-Discrimination Commission (HRADC) urged the State to ‘strengthen the inclusion and participation of vulnerable and marginalised communities including women, children, and persons with disabilities into all emergency responses in times of natural disasters.’<sup>199</sup> It also urged the State to ‘strengthen the rights-based approach in the implementation and roll out of policies and guidelines in building climate resilience in Fiji.’<sup>200</sup> Likewise, in a submission by the Citizens’



2011 International Day for Disaster Reduction / UNICEF



## IMPLEMENTATION AND IMPACT

Constitutional Forum and the Fiji Women's Rights Movement, the NGOs stated that the 'relocation of villages due to climate change presented women with challenges in terms of economic empowerment, and that after the relocation they were more dependent on their husbands.'<sup>201</sup> It recommended that the Government involve women in consultations for the planning of the relocation of villages so they are not disempowered in any way.'<sup>202</sup> The same coalition also recommended that 'disaster risk management policies should include addressing the issue of violence against members of the LGBTQI community during natural disasters.'

As a result, Fiji received 12 recommendations relating to disaster risk reduction in 2019. For example, Gabon recommended that Fiji 'involve women in forums dedicated to combating climate change and natural disasters';<sup>203</sup> Nepal recommended that the State under review 'continue efforts to strengthen social protection systems for children and families to cope with disasters';<sup>204</sup> Chile recommended that Fiji 'continue developing public policies to combat climate change and disaster risk reduction by adopting a gender approach';<sup>205</sup> Afghanistan called on Fiji to 'continue efforts aimed at supporting families in the wake of disaster to create a system for the immediate supply of basic necessities and medication, in case of emergencies';<sup>206</sup> Cuba recommended that Fiji 'continue [...] efforts to ensure the well-being of women, children, and persons with disabilities in the design and implementation of plans to address natural disasters and emergency situations';<sup>207</sup> and Paraguay called upon the State under review to 'increase public funds to guarantee, in the case of natural disasters, the right to food, health, and water and sanitation, as well as the construction of shelters that take into account the particular needs of women.'<sup>208</sup>

In a demonstration of Fiji's commitment to a prioritising a human-rights based approach to disaster risk reduction, all twelve recommendations were supported by the State.

What is more, Fiji has made important progress in implementing UN human rights recommendations in the area of disaster risk reduction. As noted by the Special Rapporteur on human rights and the environment, Fiji 'devotes a substantial part of its budget (about 10 per cent) to reducing climate risks and preparing for natural disasters.'<sup>209</sup> Notwithstanding, he noted 'that the Government lacks sufficient technical expertise, human resources, and financial capacity to fully implement protective measures.'<sup>210</sup> Such capacity concerns have been partially addressed in Fiji by focusing on priority areas identified by the international human rights mechanisms, combined with implementation support by organisations such as UNEP. The latter has, for example, provided grants to support disaster risk reduction projects in Fiji and the broader Pacific, with the aim of making people and ecosystems 'more resilient to the impacts of climate change, climate variability, and disasters', and reducing the number of deaths of those affected by disaster, and the economic loss caused by disaster.<sup>211</sup>

Moreover, Fiji has demonstrated a clear willingness to prioritise a human rights based approach to disaster risk reduction – one that deliberately and explicitly takes into consideration recommendations received by the international human rights mechanisms. For example, in 2018, it launched the National Disaster Risk Reduction Policy (2018-2030), aimed at mainstreaming disaster risk reduction across all sectoral policies, plans, and practices, with a view to enhancing the resilience of systems and communities against disasters. The policy explicitly cites 'human rights and gender-based approaches,' and 'participatory approaches' aimed at the inclusion of women, children, and persons with disabilities, as its guiding principles<sup>212</sup>.



H.E. Mr. Josaia Voreqe Bainimarama, Prime Minister, Fiji addresses the Human Rights Council, 2019 / Violaine Martin



Two years later, Fiji further institutionalised these commitments through the Climate Change Act (2021), which establishes the country's legal framework for mitigation, adaptation, and disaster risk management. The Act explicitly incorporates and follows a rights-based approach: 'when taking action to address climate change, Fiji will respect, promote, and consider the Sustainable Development Goals, gender equality and responsiveness, women's human rights and the empowerment of women, rights of people living with disabilities and disability inclusive approaches, the elderly, children's inalienable right to a healthy environment, youth, and vulnerable and marginalised groups and communities, including in the areas of formal sector employment and livelihoods, participation in decision-making and access to services, health, education, water, sanitation, housing and transport.'<sup>213</sup>

With these two documents, Fiji has committed itself to the full implementation of the overwhelming majority of recommendations received from the three human rights mechanisms, and has put in place the laws and policies to realise that ambition.

For example, in response to the Committee on the Rights of the Child's and the Committee on the Elimination of Discrimination against Women's recommendations to ensure greater participation of women and children in disaster risk reduction policymaking, the Climate Change Act requires both the Minister responsible for developing the National Climate Change Policy, and the National Adaptation Plan Steering Committee (tasked with preparing disaster risk reduction plans), to 'conduct public consultations in a manner that encourages the participation of a diverse range of stakeholders, including the private sector, civil society organisations, youth organisations or representatives, and vulnerable and at-risk groups and communities.' Moreover, the Minister responsible for appointing members of the Steering Committee is legally required to 'promote gender balance when appointing members.'<sup>214</sup>

In turn, these top-level policy commitments and legal frameworks have begun to shape the implementation measures found in the State's programmes and action plans. For example, Fiji's latest National Adaptation Plan (2019), explicitly

stresses its intention to adhere to guidance from both the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child, so that 'every prioritised strategic action within this document, when operationalised, is expected to integrate relevant gender and human rights approaches to consider the context specific needs of low-income and otherwise disadvantaged groups, utilise their potential, provide equitable access to opportunities and mobilised resources within all stages of project design, implementation, as well as monitoring and evaluation.'<sup>215</sup>

As a result and in an example of the partial implementation of the Committee on the Elimination of Discrimination against Women's 2018 recommendation on including the building of women-only shelters in disaster preparedness plans, in 2019, the Government published the Fiji Shelter Handbook, which acknowledges the vulnerability of women to violence during evacuation, and proposes measures such as partitions of space and separate washrooms to improve privacy and safety for women.

Similarly, in 2020, Fiji's Ministry of Women, Children, and Poverty Alleviation, together with the UN Women Fiji Multi-Country Office, held a National Consultation on Women's Resilience to Disasters to inform the design of a new programme aimed at strengthening women and girls' resilience to disasters by increasing their access to knowledge, developing a community of practice to empower and strengthen their advocacy and participation, and strengthening their capacity to develop climate resilient businesses.

Regarding recommendations to increase awareness and integrate disaster risk reduction in school curricula (extended following the Committee on the Rights of the Child's 2014 review, and Fiji's 2019 UPR review), since 2019 Fiji conducted annual disaster media awareness campaigns ahead of cyclone seasons, as well as an annual National Disaster Awareness Week, in the context of which social media posts and videos highlight best practices for community resilience, as well the importance of preparedness. The 2021 campaign included

preparedness, response, and recovery messaging to reinforce a culture of risk resilience, with a focus on reaching remote communities. It also featured a profile of how a person with disability could cope with disasters.<sup>216</sup> Further, in 2024, Fiji's National Disaster management Office and the Pacific Community (SPC) entered into a new partnership to strengthen disaster resilience and climate adaptation efforts, which includes collaborative frameworks and stakeholder engagement, with the objective of strengthening the resilience of Fiji's communities.<sup>217</sup>

Moreover, in 2019, the Ministry of Education, and the National Disaster Management Office, with support from UNICEF, developed a disaster risk reduction and resilience-building education programme so that teachers, students, school staff, and community members could learn how to minimise the impacts of hazards and disasters in their school communities, and prepare them for potential disasters.<sup>218</sup> Additionally, the Climate Change Act of 2021 provides for the integration of information about climate change into the school curriculum. The Act mandates the Minister responsible for Education to integrate evidence-based learning about climate change into all levels of the Fiji National Curriculum Framework.<sup>219</sup>

Addressing the Special Rapporteur on the right to health's concerns regarding the resilience of medical centers, in 2020 (one year after the visit but prior to the publication of the country mission report), the Ministry of Health issued its Guidelines for Climate-Resilient and Environmentally Sustainable Healthcare Facilities in Fiji. The Guidelines include a checklist of measures to ensure climate resilience in healthcare facilities, such as a disaster risk reduction plan for the health workforce, an early warning system for healthcare facilities, the participation of the health workforce in community disaster planning committees, and training the workforce on disaster preparedness, with specific training to assist persons with disabilities, the elderly, and children during disaster situations. In its 2020-2025 Strategic Plan, the Ministry of Health established strengthening resilience in the context of the climate crisis as a priority issue. Steps envisaged in the Plan include the identification and monitoring of



2011 International Day for Disaster Reduction / UNICEF



vulnerable areas and populations, awareness-raising, and strengthening the role of Fiji's Emergency Medical Assistance Team (FEMAT). The Plan also set the goal of increasing the number of health facilities that meet minimum standards for health emergency and disaster preparedness by 2025.

Finally, in response to the Committee on the Elimination of Discrimination against Women's 2018 recommendation to set up public funds to support families, and supply basic necessities in the wake of disasters, the Fijian Government has introduced several important implementation measures, including the establishment, by Parliament (in 2019),

of the Climate Relocation of Communities Trust Fund Act to provide funding for planned relocation and related matters, including activities or initiatives aimed at ensuring that relocated communities are provided with the necessary infrastructure to guarantee an adequate standard of living. Additionally, the 2021 Climate Change Act includes provisions empowering the Minister responsible for climate change to use the Fund for the relocation of at-risk communities, with the aim of providing a minimum standard of protection and assistance, taking into account the special needs of persons living with disabilities, the elderly, and the sick.



SMSG for Disaster Risk Reduction Mami Mizutori visits flood-prone community in inland Fiji, 2023 / UNDRR/Antoine Tardy

# CONCLUSIONS AND OBSERVATIONS

This report offers a ground-breaking assessment of the degree to which the UN human rights mechanisms are mobilised to find effective and durable solutions to the triple planetary crisis, and other pressing global environmental challenges. The report also, again for the first time, then seeks to track the implementation of, and measure the impact of, environment-related recommendations extended to States by the mechanisms, including with the support of UNEP and wider UN Country Teams. Importantly, by identifying good practices in this regard, the report aims to contribute to a scaling-up of the UN human rights system's contribution to meeting the pressing environmental challenges of our time, and, moreover, to do so in a manner that respects, protects, and promotes human rights, especially the rights of vulnerable groups. A core message of the report is that the enjoyment of human rights and the protection and conservation of the natural environment are complementary and mutually-reinforcing.

The country examples presented in this report demonstrate that the UN human rights mechanisms, complemented by the wider UN system including UNEP, have a measurable impact on the domestic enjoyment of human rights. The case studies provide anecdotal and empirical evidence of real-world change in support of human rights and environmental protection.

This process of change starts with reporting, including States' reports. In addition, significant influence has been exerted by alternative reports from UN agencies and programmes, including UNEP, as well as civil society reports. These reports influence the analyses undertaken and recommendations extended by the three main human rights mechanisms. In turn, those recommendations influence and even shape States' laws, policies, and practices in the fields concerned. Further, UNEP and broader UNCTs, work with States to support domestic implementation through new or amended laws, policies, and practices, and also help governments measure change and impact. Finally, information on progress with implementation is fed back into the review-implementation-reporting cycle via periodic national and alternative reports to the mechanisms.

This analysis supports the credibility and effectiveness of the UN human rights system. The research presented in this report gives rise to a number of observations:

1. The UN human rights system works because it is premised on the **full involvement and engagement of States**, which are the primary human rights duty-bearers. States sign and ratify the treaties and submit periodic reports on compliance. Likewise, States



submit national reports to, and appear before, the UPR Working Group and Treaty Bodies, and solicit and welcome visits by Special Rapporteurs. States exercise ownership of the process and have a stake in its success, enhancing their likelihood to implement the mechanisms' recommendations.

2. **Close cooperation between UN country teams and governments is critically important.** It must also be understood that **governments are not unitary entities**, but function through different 'moving parts' with different interests and priorities making the relationship of the UN with relevant line ministries especially valuable. The case studies in this report note, for example, the cooperation between UNEP and the Ministry of the Environment and Sustainable Development in Madagascar, highlight this point. Close cooperation can lead to recommendations being taken up in relevant laws, policies, and national actions plans. Where this happens, the UN human rights system can have a demonstrable significant impact on the enjoyment of human rights – and by extension, the protection of the environment - in the country concerned. There are also significant benefits to be seen where country offices of UN agencies and programmes work with **bilateral donors** present in the country to raise the profile of human rights and environment issues, and to put in place projects. For example, in Mongolia, a UN partnership with the Swiss Agency for Development and Cooperation (SDC) led to the launch of the 'Impact of air pollution on maternal and child health 2018-2023' programme in Ulanbataar, aimed at reducing the impacts of air pollution on children and pregnant women.
3. An extremely effective means of aligning UN in-country support to States with relevant UN human rights recommendations, is to **integrate those recommendations into UN country programming, either into**

**the Country Programming Documents (CPDs) of individual UN agencies, or into wider UNSDCF.** For example, in Mongolia, important recommendations on air pollution from the Committee on the Rights of the Child and the Special Rapporteur on human rights and environment, were integrated into the UNSDCF, agreed between the UNCT and the Government, especially in the UNSDCF's first two 'outcome areas' – namely, 'promoting inclusive growth and sustainable management of natural resources,' and 'enhancing social protection and utilisation of quality and equitable social services.' In Madagascar too, UN recommendations on newly-protected areas, and the equitable distribution of the benefits generated by natural resources, were integrated into the UNSDCF with Madagascar for the period 2021-2023. One of the four priorities of the UNSDCF was strengthen sustainable, resilient, and inclusive environmental management, enabling UNEP to play a key role in the development of strategies to manage these protected areas.

4. **Implementation should be seen and pursued as a democratic rather than a bureaucratic process**, involving parliamentarians, judges, National Human Rights Institutions (NHRIs) and civil society. The case of Peru highlights this point. Here, UNEP, along with organisations such the Economic Commission for Latin America and the Caribbean (ECLAC), worked closely with EHRDs and civil society to encourage the Government to take steps to implement UN human rights recommendations on the situation of EHRDs. Peru also shows the value in pursuing both **top-down** and **bottom-up** approaches to addressing human rights and environment concerns, with the Government introducing important legislation and mechanisms to better protect and empower EHRDs. Further, the UK case study shows the importance of engaging parliamentarians, as well as metropolitan/regional and devolved



Climate Strike in Washington DC, 2019 / Victoria Pickering



administrations. Here, although the central Government in London was not inclined to implement recommendations related to clean air and human rights, the devolved administration in Wales did so (specifically referencing the UK's human rights obligations in the draft Bill), as did the Mayor of London. Furthermore, a private member's Bill in the UK Parliament has proposed introducing the human right to breathe clean air precisely and explicitly in UK law.

5. **Drawing attention to the human rights implications of environmental harm or existing national policies to address those practices** shifts an issue from the abstract to the human: providing the basis of **powerful communications strategies**. The campaign in the UK again offers a case in point. Here, UNEP and the UN human rights mechanisms, in concert with national campaigners, drew attention to the serious human rights implications of air pollution, especially for children. At the same time, it is important to remember that **real human rights change does not happen overnight. It takes time and is usually based on incremental steps towards a final objective**. Quantitative and qualitative improvement in the protection and promotion of the human rights of Fijians in the context of climate change and natural disasters offers a case in point. Over time, Fiji, working in close cooperation with the UN human rights mechanisms, increased the scale and ambition of government action.

6. This report also demonstrates the importance of **engaging with all United Nations human rights mechanisms** – Universal Periodic Review, Special Procedures and Treaty Bodies. It also demonstrates the importance of engaging with **each stage of the review–implementation–reporting cycle**, on a perpetual basis. Where States, supported by UNEP and other UN entities, engage with several different mechanisms on a given subject, those mechanisms tend to

share information and analysis, and provide stronger recommendations. In Mongolia and Fiji, for example, the States' engagement with both the Special Procedures and Treaty Body mechanisms helped create a positive 'feedback loop,' resulting in stronger and more detailed recommendations following each successive 'review–implementation–reporting cycle.'

Each of the mechanisms has **different strengths and weaknesses**, and all must be leveraged in order to move environmental protection forward in a human rights context. Treaty Body recommendations, which are based on a State's human rights obligations, carry greater legal weight and tend to be more detailed and nuanced. Special Procedures recommendations, which are based on country visits including meetings with government ministers, parliamentarians and NGOs, tend to be more politically realistic and astute. UPR recommendations, which are a function of intergovernmental dialogue, tend to carry more political weight. Regarding the latter, in Fiji, the fact that the State's national reports to the UPR, in addition to UN system and 'other stakeholders' reports, have increasingly (cycle-by-cycle) drawn attention to human rights in the context of climate change, and disaster risk reduction, has resulted in an increasing number of UPR recommendations to Fiji on the subject – recommendations to which the Government of Fiji attaches considerable political weight.

7. There is **value in generating more and better environment-related recommendations** from the mechanisms to States. The quantitative analyses and case studies presented in this report show positive trends in this regard. However, more needs to be done. More reviewing States in the UPR Working Group and from all regions should extend environment-related recommendations to States-under-review, for example. Another observation is that the engagement of the



Climate Strike in Paris, 2019 / Bastian Greshake Tzovaras



UN and national civil society with a State's periodic reporting processes for Treaty Bodies or UPR can help to **sharpen recommendations** by tailoring them to the evolving national context. This is true even where the UN human rights mechanisms have already been active on a given environmental concern. In Fiji, Madagascar, and the UK, civil society alternative reports to Treaty Bodies and the UPR have played a key role in informing recommendations, and thereby gradually up-scaling action and ambition.

The country examples (e.g., Fiji, the UK) in this report suggest that an increasingly effective strategy for UN agencies and programmes, as well as national civil society organisations, is to use reporting to Treaty Bodies to influence the content of **lists of issues prior to reporting** (LIOPR). These LIOPR inform States Parties' dialogues with Treaty Bodies and can be used to focus those dialogues on, for example, State progress with the implementation of previous recommendations, or new policy ideas to further strengthen implementation.

- 8. The review-implementation-reporting cycle is ongoing and permanent.** Efforts of civil society, supported by the UNCT, do not stop with adoption of a new law, but must continue so as to ensure that the law is implemented, and to ensure that progress is not reversed. In Peru, a 2020 recommendation from the Special Rapporteur on human rights defenders, calling on Peru to ratify the Escazú Agreement, has not yet been heeded (ratification has twice been rejected by Congress). Notwithstanding, demonstrating that they are drivers as well as beneficiaries of change, EHRDs in Peru continue to push for further progress. For example, in October 2021, EHRDs demonstrated in Lima to denounce the threats and intimidation they continue to suffer, demand the full implementation of the

Protocol for the protection of defenders, and call for the urgent ratification of the Escazú Agreement. Likewise, in Mongolia, after some initial improvements in air quality in 2019 and early 2020, a the lack of awareness among residents of coal briquettes as alternatives to raw coal was compounded by the impact of the COVID-19 lockdowns, during which many residents, especially from lower income households, resorted to burning other fuels, led to a regression in Ulaanbataar's air quality. This led the Government, and the UNCT, to further increase their focus on public education campaigns, and on connecting efforts on air quality with wider programmes on poverty eradication. Finally, while the UK did initially implement recommendations received from the CEDAW Committee and the Special Rapporteur on toxics and human rights pertaining to fracking, and placed a moratorium on the practice in 2019, that ban was subsequently lifted in 2022 by the-then Prime Minister, Liz Truss.

**Data collection**, both at the outset to assess the scale and nature of a given human rights challenge and feed that information into the mechanisms, and inform relevant United Nations strategies and plans, is a critical component of the perpetual assessment of effectiveness of the United Nations human rights system relative to SRHR.

“  
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## CALL TO ACTION

This analysis underscores the important role that United Nations human rights mechanisms can play in advancing the international environmental agenda. UNEP has an important normative role in influencing these mechanisms and in working to operationalise human rights norms at the country level. Yet more can be done. The mechanisms can and should pay more attention to environmental issues as part of their monitoring mandates; and UNEP can influence this engagement through more systematic and comprehensive engagement with the mechanisms, either directly or in cooperation with governments and national civil society. This in turn will ensure more credible, practical and transformative recommendations by the United Nations human rights system in efforts to support Member States advance their international human rights obligations and commitments.



## ANNEX 1.

### METHODOLOGY FOR COUNTRY CASE STUDIES

The country examples are based on an analysis of Special Procedures, Treaty Body and UPR recommendations to the States concerned; relevant UNDAF and UNSDCF documents; Common Country Assessments (CCAs); UNEP reports, plans and other documentation. The analysis uses the theoretical framework of the review–implementation–reporting cycle with its four phases.

In short, the analysis has sought to understand key national and international inputs into human rights compliance reviews by the three main United Nations human rights mechanisms, and to match those inputs with relevant outputs from the reviews (i.e. recommendations). It then followed those recommendations back to the domestic level to track implementation and measure impact/change. Finally, the analysis looked at the degree to which that ‘tracking’ and measurement information is fed back into the review–implementation–reporting cycle.

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# REALISING HUMAN RIGHTS AS A CRITICAL CONTRIBUTION TO CONFRONTING THE TRIPLE PLANETARY CRISIS

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Leveraging State engagement  
with the international human rights  
system to address climate change,  
pollution, and biodiversity loss

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July 2024



working together to protect universal human rights



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