



# General Assembly

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## Human Rights Council

### Twenty-first session

Agenda item 3

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

## Resolution adopted by the Human Rights Council\*\*

**21/17**

### **Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

*The Human Rights Council,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* its resolutions 9/1 of 24 September 2008 and 18/11 of 27 September 2011, and all the resolutions of the Commission on Human Rights on this matter,

1. *Takes note* of the report of the previous Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;<sup>1</sup>

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\* Reissued for technical reasons on 12 November 2012.

\*\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-first session (A/HRC/21/2), chap. I.

<sup>1</sup> A/HRC/21/48 and Corr.1.

2. *Requests* the new Special Rapporteur, in accordance with his mandate, to provide comprehensive and up-to-date information on the adverse effects that the improper management and disposal of hazardous substances and wastes may have on the full enjoyment of human rights, for example, information on:

(a) The human rights issues raised by transnational corporations and other business enterprises in connection with the environmentally sound management and disposal of hazardous substances and wastes;

(b) The scope of national legislation relating to the human rights implications of the management and disposal of hazardous substances and wastes;

(c) The human rights implications of waste-recycling programmes and the transfer of polluting industries, industrial activities and technologies from one country to another and new trends therein, including e-waste and the dismantling of ships;

(d) Support and assistance to victims of human rights violations relating to the environmentally sound management and disposal of hazardous substances and wastes;

(e) The ambiguities in international instruments that allow the movement and dumping of hazardous substances and wastes, and any gaps in the effectiveness of international regulatory mechanisms;

(f) Human rights abuses and violations committed against human rights defenders owing to their activities relating to the environmentally sound management and disposal of hazardous substances and wastes;

3. *Encourages* the Special Rapporteur to fulfil his mandate in close cooperation with the United Nations Environment Programme, relevant United Nations agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of the international environmental conventions with a view to mainstreaming human rights into their work and to avoiding duplication;

4. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and organizations and the secretariats of relevant international environmental conventions concerning a multidisciplinary, in-depth approach to existing problems, and to take due account of progress made in other bodies, as well as to identify gaps, with a view to finding lasting solutions for the management of such substances and wastes and to preparing a progress report thereon, with specific recommendations and proposals on the steps to be taken immediately to address the adverse effects on human rights of hazardous substances and wastes, and to submit that report to the Human Rights Council at its twenty-fourth session;

5. *Also urges* the Special Rapporteur to develop, in consultation with relevant stakeholders and with the support of the United Nations High Commissioner for Human Rights, a guide to best practices regarding the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes, and to submit the guide together with his report to the Human Rights Council at its twenty-seventh session;

6. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to have their observations reflected in his report to the Human Rights Council;

7. *Reiterates its call* to States and other stakeholders to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

8. *Reiterates its call* to the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the successful fulfilment of his mandate;

9. *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.

*37th meeting  
27 September 2012*

[Adopted without a vote.]

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