Special Rapporteur on the human right to a clean, healthy and sustainable environment

Annex 4

To the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, titled 'Framework for Environmental Social and Human Rights Impact Assessments and the right to a clean, healthy and sustainable environment' (A/HRC/80/187)

Annex 4

Environmental, Social and Human Rights Impact Assessments – promising practices

The Special Rapporteur issued a call for inputs to inform her report presented to the United Nations General Assembly eightieth session, regarding environmental impact assessments (EIA), as an obligation to respect, protect and fulfil human rights, including the human right to a clean, healthy and sustainable environment. This call included a question concerning examples of "best" practices of the implementation of assessments. More than 130 contributions were received through this call, providing valuable insights into how ESHRIAs are being conducted in different contexts. While many challenges remain, numerous promising practices were also shared. Below are some examples of practices relating to advancing ESHRIAs through ensuring access to information, strengthened public participation, facilitating access to justice, enhancing legislative frameworks, capacity building tools and promoting the meaningful inclusion of Indigenous Peoples in ESHRIA processes.

This list is non-exhaustive and reflects only the information submitted through the call for inputs. The complete submissions can be found in the call for inputs: https://www.ohchr.org/en/calls-for-input/2025/environmental-impact-assessments-strategic-environmental-impact-assessments

Access to information

The **Chilean** system involves an independent technical body providing guidance to the judges in charge of awarding licences for projects. The process requires that all information about the status of both applications and judicial decisions be available online to the public[1].

In **Cyprus**, all SEA and EIA studies are uploaded on dedicated platforms for plans and programmes, and projects respectively. Any person can be subscribed and be notified via email as soon as a new plan, programme, or project is made public[2].

In **Kenya**, in Kwale County (2020) Transparency International-Kenya and the Law Society of Kenya jointly facilitated a series of community forums on mining in Kinondo Location to ensure that women understood their rights by providing legal expertise and simplifying information on licensing processes and environmental and social impacts assessment (ESIA) procedures. Transparency International adapted the ESIA procedures into a simple handbook

[1] Inputs received from International Commission of Jurists
[2] Inputs received from Cyprus

and flyers, and translated them into Swahili, the main language in the remote areas of the country where mining occurs[3].

Public participation

In the **European Union**, most Member States adopt a broad definition of the public, including natural and legal persons and interested organisations such as NGOs, with some applying specific criteria for defining NGOs, such as length of existence or scope of activities. Methods of public consultation generally include publication of notices on government websites and in newspapers, with opportunities for public hearings and meetings. Comments are usually submitted by e-mail or online platforms. Consultation periods are specified in legislation and generally range from 21 days to 16 weeks, with some Member States adopting flexible approaches to take account of the complexity of the plan or programme[4].

The European Environmental Bureau, a coalition of environmental NGOs in Europe, has created resources meant to enable "local communities affected by mining projects" to "have a say on whether mining activities will start or continue in their backyard," in particular during the public participation procedures embedded in EIAs in the EU[5].

In **Japan**, public participation helped the government to improve assessment of a project. A plan to turn a public golf course and green space in a residential area adjacent to central Tokyo into a large-scale logistics base was proposed, and local residents were concerned due to serious traffic congestion and traffic safety problems that the project may cause. The business operator refused the residents' request for a traffic congestion simulation, claiming that traffic congestion and traffic safety were not included in the scope of assessment in the Tokyo Metropolitan Government's environmental assessment. In response, the residents conducted their own traffic volume surveys with a total of 221 people participating, analysed the results and the traffic volume forecasts given in the developer's environmental assessment report, and conducted traffic congestion simulations using 3D-VR technology. Based on the results, the residents submitted a request for pollution dispute mediation to the Tokyo Metropolitan Government[6].

In **Korea**, organized local resistance and ecological concerns prompted the Ministry of Environment to pause its review of the new Jeju airport proposal and demand additional surveys when initial ecological data proved insufficient. While the project has continued, this temporary delay and requirement for more robust information illustrate how sustained civil-society engagement can advance towards procedural improvements in Korea's EIA system[7].

[3] Inputs received from Transparency International
[4] Inputs received from European Union
[5] Inputs received from International Commission of Jurists
[6] Inputs received from Japan Society for Impact Assessment
[7] Inputs received from Korean Federation for Environmental Movement

Also in **Korea**, and in response to the loss of roughly twenty thousand square metres of amphibian habitat from a housing development, activists secured the creation of thirty-one artificial wetlands, each measuring five to ten square metres, tailored for the endangered Gori salamander, Hynobius yangii. Reproductive success was confirmed at three sites and both design and ongoing monitoring incorporated ecological criteria. Although the area restored was small relative to the damage and flawed EIA reports allowed nearby road construction to proceed without fresh review, this initiative remains a rare example of ecological compensation in Korea[8].

Myanmar law requires EIAs, including in Special Economic Zones and projects may only commence after the Environment Ministry approves an EIA. The International Commission of Jurists has held workshops to help engage and inform individuals about opportunities to participate throughout the EIA process, given the challenges facing the Mekong Region in particular. Early community engagement is critical to influence the focus and scope of the investigation, which is required to inform the EIA[9]. Effective implementation of the law is essential.

Access to justice

In **Honduras**, the Supreme Court ordered an immediate halt in July 2021 to the Los Planes hydroelectric project in Pajuiles until the developer proved full legal compliance and environmental mitigation, and it established a permanent civil-government oversight committee. On May 6, 2024, the Constitutional Chamber revoked the Las Golondrinas mining licence for violating the rights to a healthy environment, health, food, housing and participation[10].

Policy and legislative enhancement

In **Uzbekistan**, the law of the Republic of Uzbekistan No. ZRU-1036 dated 24.02.2025 "On Environmental Expertise, Environmental Impact Assessment and Strategic Environmental Assessment," which came into force on 25.08.2025, aims to strengthen environmental protection measures by defining key terms, classifying Environmental Impact Assessment (EIA) objects, optimizing the assessment process, and introducing mandatory public hearings. The law stipulates the establishment of a permanent expert council, designed to ensure objectivity and validity of state environmental assessments, review appeals, and resolve problematic and contentious issues during the assessment process, which will enhance the transparency of expert conclusions[11].

[8] Inputs from Korean Federation for Environmental Movement
[9] Inputs received from International Commission of Jurists
[10] Inputs received from OHCHR Honduras
[11] Inputs received from Uzbekistan

In 1995, the government of **Canada** committed to using Gender-based analysis plus (GBA+) on all legislation, policies and programs as a tool to advance gender equality.[12] Despite this commitment, use of GBA+ has been uneven in the following years. The Impact Assessment Act, 2019 shifted the focus from environmental assessment to impact assessment, expanding the focus beyond environmental impacts to directly consider social, economic and health impacts as well. Intersectional gender-based analysis must be applied to projects requiring federal government approval. Specifically, the legislation calls for assessment of factors including "the intersection of sex and gender with other identity factors. The Act also advanced rights protections for Indigenous Peoples through a range of measures, including consultation with Indigenous groups early in the assessment process; consideration of the specific impacts of a project on Indigenous Peoples; inclusion of Indigenous knowledge in determining a project's impacts; and the creation of substantive opportunities for Indigenous governments to carry out portions of impact assessments[13].

In **Hungary**, the Ombudsman for Future Generations issued a legislative proposal in 2022 pointing out that "under the provisions of the Fundamental Law, when making decisions concerning the common heritage of the nation, it must be ensured that the condition, quantity, quality, functionality and essential processes of natural capital and ecosystem services are preserved for present and future generations. This requires the integration of ecosystem service valuation into the existing regulatory framework, in particular into the development and implementation of long-term plans, programmes and concepts, into the decision-making and also into the authorisation processes of investments that impact natural resources."[14]

In **México**, in July 2024, a new article was introduced into the Environmental Protection Law of the State of Yucatán, that expressly prohibits municipal authorities from granting concessions, authorizations, permits, or licenses for any works or activities whose environmental impacts have not been disclosed, assessed, and approved[15].

Also in **México**, in Quintana Roo, a series of engagement of civil society with the local government led to the establishment of an open government mechanism that seeks to operationalize the Escazú Agreement. This mechanism is binding and aims to effectively address early warning environmental alerts, including through monitoring environmental impact assessments[16].

The **Aotearoa/New Zealand**'s Te Urewera Act establishes a board of statutory guardians jointly appointed by government and Tuhoe iwi to create an integrated ecosystem management plan, to ensure all EIAs demonstrate alignment with Te Urewera's purpose and principles,

[12] Women and Gender Equality Canada. (2022). What is Gender-based Analysis Plus?. Retrieved 12 December 2022, from https://women-gender-equality.canada.ca/en/gender-based-analysis-plus/what-genderbased-analysis-plus.html
[13] Inputs received from Oxfam
[14] Inputs received from Hungarian Ombudsman for Future Generations
[15] Inputs received from Proyecto de Derechos Económicos, Sociales y Culturales, A.C.
[16] Inputs received from Ciudadan@s por la Transparencia and the Secretaría de Anticorrupción y Buen Gobierno del Estado de Quintana Roo

require commercial projects to enter "Friendship Agreements" reflecting the land's intrinsic values, and mandate ongoing monitoring through a living system dashboard that tracks ecological health and community participation[17].

The Netherlands has developed robust accountability tools in their EIA processes, where there are "institutional and legal arrangements that provide formal independence, financial autonomy, and organisational autonomy." Those responsible for EIAs "must adhere to a code of ethics, sign declarations of the absence of conflict of interest, and maintain financial independence from project proponents," all of which are subject to regular audits and other transparency mechanisms.[18]

Tools and capacity building

Most countries do not require specific trainings or skills for conducting social impact assessment, however interesting tools have been developed to help States to better implement assessment processes, while respecting human rights. Three examples:

- The Indigenous Navigator is a collaborative initiative (Steering Committee includes Asia Indigenous Peoples Pact, Forest Peoples Program, Tebtebba Foundation, and the International Work Group for Indigenous Affairs and DIHR) that provides a framework and set of tools for and by Indigenous Peoples to systematically monitor the level of recognition and implementation of their rights in line with UNDRIP.[19][20]

- The Certified Environmental Practitioner Scheme (CEnvP Scheme) is a specialist certification, Social Impact Assessment (SIA), and aims to bolster the recognition of SIA and social practitioners across Australia and Aotearoa New Zealand as valued and effective experts in development, planning and decision-making processes.[21]

- The sector wide human rights impact assessment (SWIA)[22] has been developed as a methodology by Danish Institute for Human Rights and the Institute for Human Rights and Business to assess project-level, cumulative and sector-wide human rights impacts. In Bangladesh, Chile[23] and Honduras[24] it has been used to identify and assess human rights impacts of fisheries and aquaculture.[25]

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[17] Inputs received from Ocean Vision Legal
[18] Inputs received from International Commission of Jurists.
[19] https://indigenousnavigator.org/.
[20] Inputs received from the from Danish Institute
[21] From Call for Inputs, https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/cfis/eia/subm-environmental-impact-assessments-cso-85-danish-institute-hr.docx
[22] Sector wide impact assessments
[23] Sector wide impact assessments on fisheries and aquaculture | The Danish Institute for Human Rights
[24] Informe-EIS-Industria-de-pesca-por-buceo-en-Honduras_WEB.pdf
[25] Inputs received from the Danish Institute for Human Rights

Indigenous Peoples

In **Brazil**, Indigenous Peoples, *quilombolas* and traditional communities from across the country prepared and are publishing their autonomous consultation protocols.[26] This aiming to clarify the minimal rules and guidelines needed to implement effective free, prior and informed consultation processes.[27] Starting in 2014, Indigenous Peoples have worked to disseminate the right of Indigenous Peoples to be consulted, and the correspondent obligation of the State to comply with FPIC processes. In a proactive way, Indigenous Peoples and *quilombolas* have developed autonomous consultation protocols that have been shared with government officials and developers. Among such protocols are the Wajãpi Consultation and Consent Protocol, the Munduruku Consultation Protocol, Montanha Mangabal Consultation Protocol, Krenak People Prior Consultation Protocol, Consultation Protocol of the Munduruku and Apiaká Indigenous Peoples of Planalto Santareno, Quilombo Jambuaçu Consultation Protocol[28].

Also in **Brazil**, UNDP conducted an 'Environmental Social Impact Study' on the Floresta+ Amazônia Pilot Project. This project 'aims to promote the necessary incentives for the conservation and restoration/recovery of areas of small agricultural properties, in addition to the federal legislation, as well as in the collective territories of indigenous peoples and traditional communities.'[29] The study had the participation of Environmental Authorities and developed an ESIA 'by independent experts in a participatory manner with stakeholders during the initial phase of the project and as part of the preparatory activities of the Pilot Project. The assessments are being conducted in accordance with national regulations and the UNDP Environmental and Social Standards.' The assessment features good practice in terms of the participation of diverse groups of Indigenous Peoples in remote locations covering a large surface area of the Amazonas, and the considerations of gender in the methodological design. Following the study, UNDP published an Environmental and Social Management Plan with the objective of ensuring the effective socio-environmental management of the Floresta+ Amazônia Project[30].

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[26] Inputs received from Ruptura

[27] https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/FPIC/AmazonCooperationNetwork_EN.pdf

[28] These protocols can be accessed at http://rca.org.br/consulta-previa-e-protocolo/

[29] https://www.florestamaisamazonia.org.br/wp-content/uploads/2021/11/FINAL-ESIA-CLEAN-NOV-11-2021.pdf.

[30] Inputs received from the Danish Institute for Human Rights