



EHRD Resource Paper: What are my rights?

The right to environmental information

I. Right to information

To protect the environment and the human rights that depend on it, everyone has the human right to seek, receive, and impart environmental information.

The right to seek, receive, and impart information is recognized in the [Universal Declaration of Human Rights](#) (art. 19) and the [International Covenant on Civil and Political Rights](#) (art. 19), as part of the human right to freedom of expression.

The right to information is also critical to the exercise of other rights. [As the United Nations Special Rapporteur on toxic wastes has said](#), the right of information and the right of participation in decision-making are “both rights in themselves and essential tools for the exercise of other rights, such as the right to life, the right to the highest attainable standard of health, the right to adequate housing and others”.

II. International human rights law

International human rights bodies have repeatedly stated that in order to protect human rights from infringement through environmental harm, [States should provide access to environmental information and provide for the assessment of environmental impacts that may interfere with the enjoyment of human rights](#). Examples include:

[The Committee on Economic, Social and Cultural Rights](#) has stated that individuals should be given full and equal access to information concerning water and the environment.

The [United Nations Special Rapporteur on the human right to safe drinking water and sanitation has](#) stated that States need to conduct impact assessments “in line with human rights standards” when they plan projects that may have an impact on water quality.

The [United Nations Special Rapporteur on the situation of human rights defenders](#) has stated that information relating to large-scale development projects should be publicly available and accessible.

At the regional level, [the European Court of Human Rights](#) has stated: “Where a State must determine complex issues of environmental and economic policy, the decision-making process must firstly involve appropriate investigations and studies in order to allow them to predict and evaluate in advance the effects of those activities which might damage the environment and infringe individuals’ rights and to

enable them to strike a fair balance between the various conflicting interests at stake. The importance of public access to the conclusions of such studies and to information which would enable members of the public to assess the danger to which they are exposed is beyond question.”

And [the African Commission on Human and Peoples' Rights](#) has stated: “Government compliance with the spirit of Articles 16 [on the right to health] and 24 [on the right to a satisfactory environment] of the African Charter must also include ordering or at least permitting independent scientific monitoring of threatened environments, requiring and publicising environmental and social impact studies prior to any major industrial development, [and] undertaking appropriate monitoring and providing information to those communities exposed to hazardous materials and activities.”

III. International environmental law

International environmental instruments also emphasize the importance of providing environmental information to the public. Examples include:

- [Principle 10 of the Rio Declaration](#) states: “At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities... States shall facilitate and encourage public awareness and participation by making information widely available.”
- [Principle 17 of the Rio Declaration](#) states: “environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.”
- The [Aarhus Convention](#) on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which has many parties among countries in Europe and central Asia, includes detailed obligations on providing access to environmental information.
- C Countries in Latin America and the Caribbean negotiation another regional agreement on rights of access to information, participation, and remedy: [Escazú Agreement](#).
- Many other multilateral environmental treaties also provide for environmental information within their scope to be provided to the public, including:
- The [Rotterdam Convention](#) on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (art. 15),
- The [Stockholm Convention](#) on Persistent Organic Pollutants (art. 10), and
- The [United Nations Framework Convention on Climate Change \(art. 6\(a\)\)](#).

IV. National environmental law

At the national level, most States have adopted environmental impact assessment laws and laws relating to access to information.

In addition, some countries have adopted specific laws or constitutional provisions relating to access to environmental information. Good practices in this field include:

- [Chile's environmental framework law](#) (La Ley No 20.417) sets out a comprehensive framework for access to environmental information. Article 31 provides that everyone has a right to access environmental information in the possession of the government relating to, among other things, the state of the environment; environmental pollution; administrative acts, regulations, or other actions relating to the environment; studies relied on for environmental decision-making; and threats from environmental harm to human health, security or cultural resources. Article 31 also provides for administrative and judicial review of alleged violations of the access to environmental information provisions.
- The [Czech Republic's Right to Environmental Information Act](#) (Act No. 123/1998) allows individuals to request access to a wide range of environmental information through multiple means, including by writing, fax, telephone, or "other technically feasible form." The Act requires the government to provide the information requested as soon as possible and at the latest within 30 days of the request, and not later than 60 days under special circumstances. Any decision to deny requested information is subject to administrative and judicial review.
- The [Norwegian Constitution](#) (art. 112) provides for "a right to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out." In 2003, Norway adopted the Environmental Information Act, which sets out the duty on any private or public entity to maintain and make available information on their actions that may have an "appreciable effect" on the environment.

Other good practices in implementation of the human right to environmental information are available at the website of [the United Nations Special Rapporteur on human rights and the environment](#).