



Twenty-eighth meeting of the Working Group of the Parties to the Aarhus Convention

Agenda item 4(a): Thematic session on Access to justice

July 2024

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Thank you, Chair. I speak on behalf of the Office of the UN High Commissioner for Human Rights (OHCHR).

Access to justice in environmental matters is critical for the protection of the environment and human rights. It is, among others, firmly anchored in Article 9 of the Aarhus Convention as well as Article 14 of the International Covenant on Civil and Political Rights.

Access to justice and effective remedies, including its exercise free from reprisals and retaliation, is also generally recognised as one of the essential **elements of the right to a clean, healthy, and sustainable environment** – a human right recognised by the UN Human Rights Council and the General Assembly.

Environmental degradation disproportionately impacts persons, groups and peoples already in vulnerable situations, including women, girls, children, Indigenous Peoples, and persons with disabilities. The impacts of the multiple environmental crises augment the structural and other intersecting barriers they face. It is necessary to ensure that everyone whose rights have been adversely affected by environmental degradation is able to access justice and remedies.

Access to justice pathways have to be child-friendly, gender-responsive, and disability-inclusive and incorporate intersectional, intercultural, and multidisciplinary perspectives.

States should remove all obstacles to accessing justice, including, among others, those related to restrictive rules on standing to sue, the burden of proof, and economic barriers. They should also ensure that judicial expertise in environmental matters is available.

Access to justice in environmental matters does not only concern acts or omissions by public authorities, but also by private persons – as transpires from paragraph 3 Article 9 of the Aarhus Convention. As highlighted in the UN Guiding Principles on Business and Human Rights, businesses have a responsibility to respect human rights. Access to justice for **corporate human rights violations related to the environment** – be it in domestic or transboundary cases – needs to be ensured.

OHCHR looks forward to strengthening collaboration with the Aarhus Convention Secretariat in their efforts supporting the Convention's Member States in removing barriers to effective access to justice.

Thank you.