



UK Mission
Geneva

UK Mission Geneva
PO Box 6
Avenue Louis Casar 58
1216 Cointrin GE

Tel: 022 918 2453
Fax: 022 918 2333

Note Verbale No. 160

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication **AL GBR 8/2023** sent by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on 3 April 2023.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 31 May 2023.

Special Procedures Branch
Office of the High Commissioner for Human Rights

Annex

RESPONSE OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO COMMUNICATION AL GBR 8/2023 OF 3 APRIL 2023

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The United Kingdom is a Party to the Aarhus Convention and the UK Government is committed to the continued effective implementation of our international obligations under the Convention on access to information, public participation and access to justice in environmental matters. The Government strongly supports the contribution the Convention makes to enhancing global environmental protection.

However, while the UK Government recognises your concern in this matter, we understand that the above-mentioned allegations are a matter for the Portuguese Government, to whom we note you have also sent this letter. The Aarhus communication ACCC/C/2021/186 (henceforth "C186") was submitted to the Aarhus Convention Compliance Committee on 2 May 2021 by Fundação Montescola, an environmental non-governmental organization (NGO), against Portugal as the party concerned. The C186 communication alleges that Portugal is in violation of Articles 4 (1)–(3) (c), (7) as well as Article 6 (3) and (4) of the Aarhus Convention with respect to the development of the Barroso Mine expansion project. This is not a C186 communication that has been brought against the UK. As such it would not be appropriate or necessary for the UK to comment on the communication at this time.

With regards to the *Annex: Reference to International Human Rights Law* included in connection with the above-mentioned allegations, the UK would like to reaffirm that neither Resolutions at the Human Rights Council (48/13) and UN General Assembly (76/300) nor the Framework Principles on Human Rights and the Environment are sources of international human rights law, and as such do not impose legal obligations for States. We do however recognise that these can inform and provide helpful guidance for States.

2. Please provide any information on concrete progress in requiring or encouraging companies domiciled in your territory and/or jurisdiction to implement human rights due diligence processes.

The UK supports voluntary due diligence approaches by our businesses to protect human rights and the environment across their operations and supply relationships, as steered by the UN Guiding Principles on Business and Human Rights and the

OECD Guidelines on Multinational Enterprises. The Government is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs. In response to the UNGPs, the UK was the first State to produce a National Action Plan (NAP) and we continue to develop our approach in line with Modern Slavery Act 2015.

The UK has consistently supported the UN Guiding Principles (UNGPs) on business and human rights, which are widely regarded as the authoritative international framework to steer practical action by Governments and businesses worldwide on this important agenda. Implementation of the UNGPs will support access to justice and remedy for victims of business-related human rights abuses, wherever these occur, and encourage businesses to voluntarily adopt due diligence approaches to respecting human rights.