

## Bill 2

### The Environmental Rights Act

**WHEREAS** “Air pollution has become the world's single biggest environmental health risk”<sup>1</sup>; and

**WHEREAS** “Two-thirds of all First Nation communities in Canada have been under at least one drinking water advisory at some time in the last decade”<sup>2</sup>; and

**WHEREAS** “A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights.”<sup>3</sup>

**THEREFORE, HER MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA ENACTS AS FOLLOWS:**

---

- 1 As of January 1, 2017, the Government of Canada shall amend the *Canadian Charter of Rights and Freedoms* to insert a clause pertaining to Environmental Rights.
  - (1) The clause shall read: “Every Canadian citizen has the right to live in a healthy environment within their community.”
    - (a) Whereas “environment” refers to: land, air, water, and biotic organisms contained in each ecosystem.
    - (b) Whereas “healthy” refers to the lack of negative human interference hindering the natural ecological interaction between abiotic components and biotic organisms.
  - (2) The quality of the land, air and water shall be determined by Health Canada and must be deemed non-harmful to human health in any municipality.
  
- 2 Any individual, group, or corporation that violates this right is committing a federal offence and shall be charged in a federal court of law.
  - (1) Violators shall be subject to punishment per the severity of the offence, which includes but is not limited to:
    - (a) An official warning
    - (b) A fine which shall not exceed the monetary amount required to reverse the damage caused to the environment and cover the cost of reparation
      - i) Corporations charged with this offence shall be required to forfeit any government subsidies and profit margins until reparation and restoration is complete
    - (c) A summons to prepare, submit and enact an official plan of action to restore damages caused to the environment within a specified time.
  - (2) Should the offence cause injury or death, the defendant shall be charged per the *Criminal Code of Canada* and subject to all relevant criminal charges in addition to a human rights violation.
    - (a) Corporations acting as the defendant shall have the board of directors held liable to all criminal charges as applied to an individual or private group.

1. Vidal, John. “WHO: air pollution 'is single biggest environmental health risk.’” *The Guardian*, <https://www.theguardian.com/environment/2014/mar/25/air-pollution-single-biggest-environmental-health-risk-who>.
2. Levasseur, Joanne. “Bad water: 'Third World' conditions on First Nations in Canada.” *Canadian Broadcasting Corporation*, 4 Oct. 2015, <http://www.cbc.ca/news/canada/manitoba/bad-water-third-world-conditions-on-first-nations-in-canada-1.3269500>.
3. Knox, John. “Special Rapporteur on human rights and the environment.” *United Nations Human Rights*, <http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>.

- 3 The Government of Canada shall establish an independent body, the National Agency Taskforce Undertaking Rights Appeals to Legislate Regulations Incorporating Greener Health and Toxicity Standards [NATURAL RIGHTS], to ensure that violations to Clause 1 are met with the appropriate consequences in every province and territory.
- (1) [NATURAL RIGHTS] members shall consist of a panel of experts (M. Sc or M. Med) in the following fields relating to the environment and its impact on human health:
    - (a) Environmental science
    - (b) Ecotoxicology
    - (c) Biochemistry
    - (d) Biology
    - (e) Chemistry
    - (f) Medicine
  - (2) An interview process shall select members of [NATURAL RIGHTS], and members must be given the recommendation of their respective research organizations.
    - (a) All [NATURAL RIGHTS] members shall be employed under a full-time contract.
  - (3) [NATURAL RIGHTS] will be divided into separate bodies for each province and territory; to make decisions on the rulings made in that province, regarding the violation of the right to a healthy environment.
  - (4) [NATURAL RIGHTS] shall be composed of at least 5,000 people across Canada.
  - (5) [NATURAL RIGHTS] members shall remain impartial in all rulings and shall be expected to abstain from participating in any cases which present a conflict of interest.