



Strasbourg, 24 February 2011

GT-DEV-ENV(2011)02

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

**WORKING GROUP ON ENVIRONMENT OF THE COMMITTEE  
OF EXPERTS FOR THE DEVELOPMENT OF HUMAN RIGHTS  
(GT- DEV-ENV)**

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**Meeting report**

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1<sup>st</sup> meeting, Strasbourg, 22-23 February 2011

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**Item 1:        Opening of the meeting**

1.        The Working Group on Environment of the Committee of Experts for the Development of Human Rights (GT-DEV-ENV) held its 1<sup>st</sup> meeting in Strasbourg on 22-23 February 2011 with Ms Jana VNUKOVÁ (Slovak Republic) in the chair. The list of participants is set out in Appendix I.
2.        The participants approved the draft agenda as it appears in Appendix II.
3.        Having welcomed all participants, Mr Daniele CANGEMI, Head of the Human Rights Law and Policy Division, provided an update on the ongoing reform process within the Council of Europe, including its possible impact on the intergovernmental structures, which would be reconsidered in the light of the programme of activities.
4.        Due to the limited budgetary resources available at present and the priority given to the reform of the European Court of Human Rights and the EU accession to the ECHR, the DH-DEV would not be meeting in 2011. The outcome of the Working Group would therefore be presented directly to the CDDH for adoption, possibly at its 73<sup>rd</sup> meeting (November 2011).

**Item 2:        Updating the manual on human rights and the environment**

5.        The Working Group first held a general discussion on the structure and the content of the preliminary draft of the revised manual prepared by the Secretariat.
6.        There was agreement within the Group to maintain the overall structure of the current manual and that in addition to the case-law of the European Convention on Human Rights it was useful to include other relevant international standards into the revised text, namely the pertinent decisions of the European Committee of Social Rights. The general introduction of the manual should make reference to both the Court's case-law and the Committee's decisions. As the Court and the Committee were two distinct mechanisms it was considered appropriate to separate the principles that emerged from them into two different sections. Although there was a risk, as pointed out by a member, that the two sections might seem unbalanced due to the relatively limited number of decisions of the Committee in comparison to the extensive case-law of the Court, a majority of the Group was in favour of separating the two in order not to create any confusion between the two mechanisms which operate in a very different manner.
7.        It was also agreed the revised manual should be based on case-law and decisions until the end of 2010.

8. The Working Group found that there were too few court cases to include a separate chapter in the revised manual on the right to prohibition of inhuman or degrading treatment and the environment under Article 3 of the Convention, but that a reference to the issue of passive smoking could be made in the introduction.

9. Although some members considered the new chapter on the territorial scope of the application of the Convention rather long, other members found that it provided useful details for the readers of the manual, who may not be legal professionals only, but also policy makers, public authorities and the public in general.

10. With regard to the relevant national legislation and good practices from member States the Working Group agreed that it would be useful to invite again member States which had not yet done so or wished to update their contributions to provide specific information on human rights aspects of their environmental legislation and practices based on the following five categories:

- embedding environmental rights in the national policy and legal framework;
- establishing control over potentially harmful environmental activities;
- requiring environmental impact assessments;
- securing public participation and access to information on environmental matters;
- making environmental rights judiciable and the environment a public concern.

The Working Group would subsequently decide, in the light of the contributions received, on the appropriateness of including this information in the revised manual.

11. The inclusion of an appendix on ‘Further reading’ was generally welcomed by a majority of the Working Group although it was questioned on what criteria the literature referred to had been selected. It was agreed to decide at a later stage on whether further references should be added to the list.

12. The Working Group then proceeded with an examination of the preliminary draft of the revised manual chapter by chapter and made a number of changes in the text both with regard both to the structure and to the content. In order to pursue the work after this first meeting, and particularly in the event that there would not be resources available for holding a second meeting later in the year, the Working Group agreed that the Secretariat should set up a restricted on-line working space with a view to allowing further consultation on the revised draft manual and any further follow-up work on human rights and the environment. The Secretariat presented a possible model of such working space.

13. It was further agreed to send the draft revised manual prepared by the Working Group to the members of the DH-DEV for comments prior to its final submission to the CDDH later in year.

**Item 3: Follow-up to be given to the work on human rights and the environment**

14. The Chair recalled that at the 40<sup>th</sup> meeting of the DH-DEV in 2010 it had been agreed to ask the Working Group to study any possible follow up in the field of human rights and the environment, including the proposal of holding a transversal conference on the links between climate change and human rights in Europe with a view to examining the issues from various angles. This proposal had been put forward by the Committee of Ministers, subject to the availability of funding, in its reply to PACE Recommendation 1883 (2009) on 'The challenges posed by climate change'. The Secretariat explained that the proposal had been welcomed by several other sectors within the Council of Europe who, within their respective fields of competence, were willing to contribute to such a conference in 2012, and that an inter-secretariat group would further discuss this issue. The Working Group suggested as possible topics for the Conference the following: 'States' positive obligations to protect individuals against threats to human rights related to climate change' and 'the right to information and participation in the decision-making processes in environmental matters'. The Secretariat would keep the Working Group updated on the developments in this respect.

**Item 4: Dates of next meeting**

15. As it was uncertain at present whether there would be resources available for holding a second meeting later in the year, the Working Group did not yet fix any dates for the next meeting.

## **APPENDIX I**

### **PARTICIPANT LIST**

#### **BELGIUM / BELGIQUE**

Mme Stéphanie GRISARD, Attachée, SPF Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'Homme, Bruxelles

#### **BULGARIA / BULGARIE**

Ms Emanuela TOMOVA, Second Secretary in the Human Rights Directorate in the Ministry of Foreign Affairs, Sofia

#### **CYPRUS / CHYPRE**

Ms Eleonora NICOLAIDES, Senior Counsel of the Republic, Office of the Attorney-General, Law Office of the Republic of Cyprus, Nicosia

#### **GREECE / GRECE**

Mme Sofia KASTRANTA, Rapporteur, Special Legal Department, Ministry of Foreign Affairs, Athens

#### **GERMANY / ALLEMAGNE**

Excused/excuse

#### **POLAND / POLOGNE**

Ms Agnieszka KOZINSKA, Expert, Ministry of Foreign Affairs, Department for the proceedings before the International Human Rights protection Bodies, Warsaw

#### **SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Ms Jana VNUKOVÁ, Chair of the Committee / Présidente du Comité, Deputy Director General, Head of Foreign Relations and Human Rights, Department of International and European Law, Ministry of Justice, Bratislava

#### **SWITZERLAND / SUISSE**

Mme Fanny de WECK, Eidgenössisches Justiz- und Polizeidepartement EJPD, Bundesamt für Justiz BJ, Direktionsbereich Öffentliches Recht, Fachbereich Europarecht und internationaler Menschenrechtsschutz, Bern

#### **Directorate General of Human Rights and Legal Affairs – DG-HL /**

#### **Direction générale des droits de l'Homme et des affaires juridiques – DG-HL**

#### **Council of Europe/Conseil de l'Europe, F-67075 STRASBOURG CEDEX**

Mr Daniele CANGEMI, Head of Division / Chef de Division, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme, Secretary of the DH-DEV / Secrétaire du DH-DEV

Ms Merete BJERREGAARD, Administrator / Administrateur, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme, Co-secretary of the DH-DEV / Co-secrétaire du DH-DEV

Mme Valérie PEARD, Principal Assistant, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Ms Diana CAPUTO, Trainee, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Mme Frédérique BONIFAIX, Assistant / Assistante, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

**Interpreters / Interprètes:**

Mme Chloé CHENETIER

M. Grégoire DEVICTOR

Mr Luke TILDEN

## APPENDIX II

### AGENDA

#### **Item 1: Opening of the meeting**

Draft agenda

#### **Item 2: Updating the manual on human rights and the environment**

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| - Revised draft Manual on human rights and the environment  | GT-DEV-ENV(2011)<br>Draft_00 Proposed<br>Outline |
| - PACE Recommendation 1885 (2009) on “Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment” | Recommendation 1885<br>(2009)                    |
| - Relevant excerpt from the reports of the DH-DEV’s 40 <sup>th</sup> meeting and the CDDH’s 70 <sup>th</sup> meeting regarding human rights and the environment | GT-DEV-ENV(2010)01                               |
| - Document prepared by the secretariat on updating the manual on human rights and the environment   | DH-DEV(2010)01                                   |
| - Overview of the case-law of the European Court of Human Rights and the European Committee of Social Rights with regard to environment                         | DH-DEV(2010)02<br>DH-DEV(2010)02Add              |
| - Examples of national legislations and good practices  | GT-DEV-ENV(2010)03                               |

#### **Item 3: Follow-up to be given to work on human rights and the environment**

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| - PACE Recommendation 1883 (2009) relating to the challenges posed by climate change  | Recommendation 1883<br>(2009)        |
| - Relevant excerpt from the reports of the DH-DEV’s 40 <sup>th</sup> meeting and the CDDH’s 70 <sup>th</sup> meeting regarding human rights and the environment | GT-DEV-ENV(2010)01                   |
| - Discussion paper prepared by the Secretariat on exploring the relationship between human rights and climate change in Europe                                  | DH-DEV(2010)04<br>DH-DEV(2010)04 Add |

#### ***Information documents***

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| - Viewpoint of the Council of Europe Commissioner for Human Rights   | “Climate change is also a<br>Human Rights concern” |
| - Climate Change and Human Rights. A Rough Guide published by the International Council on Human Rights Policy, 2009 | Summary : Climate<br>Change and Human<br>Rights    |

- Council of Europe Parliamentary Assembly: Environmentally induced migration and displacement: a 21st century challenge Resolution 1655 (2009)
- Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights A/HRC/10/61

**Item 4:        Dates of next meeting**