

## HELP Conference, Strasbourg 2 July 2021

### ENVIRONMENT AND HUMAN RIGHTS – STANDARD-SETTING

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I am extremely pleased to have this opportunity to provide an update on the ongoing standard-setting work on human rights and the environment which is currently being undertaken by the Steering Committee on Human Rights (CDDH).

In the light of the High-Level Conference on “*Environmental Protection and Human Rights*” held in February last year under the auspices of the Georgian Chairmanship of the Committee of Ministers, the CDDH was entrusted to work on human rights and the environment during the current year, and the work is to be continued next year. The CDDH’s mandate to work on human rights and the environment was subsequently confirmed in May 2020 by the joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers.

The CDDH has created a Drafting Group (CDDH-ENV) to prepare the following three tasks:

1. The *updating of the Manual on Human Rights and the Environment* – the previous version dates back to 2012,
2. The *elaboration of a non-binding instrument on human rights and the environment* – this instrument should be based on existing standards in this field,
3. Reflection on whether there is a *need for any further work in this field*.

#### ***Updating the Manual on Human Rights and the Environment***

The work on updating the Manual was completed at the Drafting Group’s first meeting earlier in April. You may recall that the Manual contains principles emerging from the case-law of the European Court of Human Rights and from the conclusions and decisions of the European Committee on Social Rights. Thus, the relevant new caselaw since 2010 has been taken into account in the updating of the new edition of the Manual. Further good practices from member States have been collected and are presented in an appendix to the Manual. The CDDH approved the updated Manual at its meeting a few weeks ago, and a 3<sup>rd</sup> edition will be published shortly.

#### ***Elaboration of a non-binding instrument on human rights and the environment***

The work on the elaboration of a non-binding instrument is also underway. The Drafting Group has identified some preliminary elements which may be included in the new instrument - these elements have been approved by the CDDH at its June meeting, aware of course that the drafting work is ongoing. The elements include general principles on **intergenerational equity, equality and non-discrimination**, etc., but it is not yet decided whether also to include other general principles from environmental law.

Moreover, there is agreement to include principles on the **protection of the most vulnerable groups in society**; that measures should be based on a **scientific approach**; the principles should cover **access to justice**; that the need for **education** and **awareness-raising**, and for continued exchange of **national good practices** should be stressed. There will also be a chapter on the role of **other actors** than States, such as businesses. The role of business is considered crucial in the context of protecting the environment. Earlier in April - within the framework of the German chairmanship - a workshop entitled *“Environment, Human Rights and Business: A framework for addressing environmental protection challenges”*, was organised in cooperation with the CDDH. The outcome of this workshop will indeed be taken into account in the drafting of the new non-binding instrument.

The format of the instrument is yet to be decided, whether it should be a recommendation or guidelines or something else. The choice of the most appropriate format will be discussed at the next meeting of the Drafting Group in October.

### ***Reflection on the need for any further work in this field***

The CDDH has been asked to consider whether there is the need for further work in this field, bearing in mind the obligations of the member States under the European Convention on Human Rights and the steady development of the case-law by the European Court of Human Rights and national courts that foster the interconnection between the protection of the environment and human rights. This task still needs further consideration within the Drafting Group and the CDDH.

At its meeting in June, the CDDH considered it premature to have an exchange of views on this issue when the drafting of the non-binding instrument had barely begun.

At present the views seem however quite divided – some member States have expressed an interest in moving ahead with the idea of a new binding instrument in this field, while others are more hesitant. A few have already indicated that it is not to be excluded that the CDDH may conclude that, at present, there would be no need for any further work in this field - at least from the CDDH's side.

I will end with this realistic note. While work on preparing a non-binding instrument is well underway, the outcome of the CDDH's work will need further consideration as consultations at national level within member States are still ongoing. Thank you very much for your attention.