

CDDH comments on the Parliamentary Assembly [Recommendation 2213\(2021\)](#) – “ADDRESSING ISSUES OF CRIMINAL AND CIVIL LIABILITY IN THE CONTEXT OF CLIMATE CHANGE”

95th meeting - 23–26 November 2021 - CDDH(2021)R95

1. The CDDH welcomes the recommendation of the Parliamentary Assembly contained in point 3.5¹ of its Recommendation 2213(2021). It notes that environmental protection issues are part of its general review of the implementation of Recommendation CM/Rec(2016)3 of the Committee of Ministers to Member States on human rights and business. At its 95th meeting (23 –26 November 2021), the CDDH finalised a Report on the implementation of this Recommendation with a view to transmitting it to the Committee of Ministers. The report concluded, inter alia, that the question how business enterprises conduct environmental and human rights due diligence as well as the question how victims of human rights and environmental adverse impacts access remedies requires close examination.

2. In addition, the CDDH recalls that it discussed various aspects of responsibility of business enterprises as well as issues regarding access to effective remedies in the context of environmental protection in the Workshop that it organised in cooperation with the German Presidency of the Committee of Ministers on “Environment, Human Rights and Business: A framework for addressing environmental protection challenges”, on 27 April 2021.

3. Following-up on these lines of work and drawing inspiration from the PACE Recommendation the CDDH intends to pursue, in the framework of its mandate during the next quadrennium, its examination of the implementation of Recommendation CM/Rec(2016)3 on human rights and business with a specific focus on its standards on due diligence and access to effective remedies. The concepts of due diligence and corporate responsibility with respect to environment are also currently being examined by the CDDH and its drafting group CDDH-ENV in the context of the elaboration of a non-binding instrument on human rights and the environment.

¹ Point 3.5 of Recommendation 2213(2021) states “when tacking stock of the implementation of its Recommendation CM/Rec(2016)3 on human rights and business, reflect on how environmental issues, are taken into account by member States of the Council of Europe, in particular in the context of access to effective remedies and due diligence procedures”.