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Committee on Social Affairs, Health and Sustainable Development

Network of Contact Parliamentarians for a healthy environment

Minutes

of the public hearing held in Strasbourg on Monday 18 September 2023

With **Ms Edite Estrela** (Portugal, SOC) in the chair, the Network **held** a public hearing attended by civil society representatives from the fields of human rights and environmental protection, namely **Ms Katharina Rall**, Senior Researcher in the Environment and Human Rights Division at *Human Rights Watch*, and **Mr Sébastien Duyck**, Senior Attorney, Campaign Manager for Human Rights and Climate, at the Centre for International Climate Law (CIEL).

Ms Estrela welcomed the experts. She hoped there would be fruitful exchanges concerning the preparation of the forthcoming internal discussions at the Council of Europe on setting up the Reykjavik Committee and recognition of the right to a healthy environment in Europe. The Assembly's positions regarding recognition of the right to a healthy environment were meeting with some resistance, at a time when the limits of our finite world were being reached, one after the other. While regretting the lack of political will, she stressed that legislation should be decided upon in parliaments, not the courts.

Ms Rall explained that *Human Rights Watch* had begun addressing the environment 10 years ago in the light of the climate crisis and the threats it posed for the future. The organisation studied its impact and documented the human rights violations it caused. She welcomed the co-operation between players in the fields of human rights and environmental protection.

The right to a healthy environment was being enshrined increasingly widely in national legislation. It had recently acquired a whole new status, on being recognised by the United Nations. As stated in the [2022 report by Global Witness](#), 177 environmental defenders had been murdered that year. Governments had to be held to account. The opening of inquiries into the murders depended on the assertion of responsibility.

The space for environmental defenders was limited, even in Council of Europe member countries. One recent example involved the threats to close down the "*Soulèvement de la terre*" movement. There were regular attempts to undermine the credibility of activists and public funding was often challenged. Defenders worked for the common good to ensure compliance with the commitments set out in the Paris Agreement.

Mr Duyck then explained that CIEL was based in Washington and Geneva. He stressed the effects of the current triple crisis (pollution, climate and biodiversity) in addition to the legitimate protection of whistleblowers. While 300 000 people died in Europe every year because of environmental pollution, too little real action was taken to combat its effects. The situation was deadlocked.

Even though the European Court of Human Rights had agreed on a dynamic interpretation of the convention, some aspects were still lacking. It was obvious that the judges did not have access to sufficient expertise to understand the implications of the situation. There was a lack of political will and, above all, of a vision for tackling the triple crisis. Europe was lagging behind Africa, America, Asia and now the United Nations.

He congratulated the Assembly on its repeated initiatives dating back to 1973, when an initial attempt at drawing up a protocol linking health and the environment had been made. Five countries had managed to have two successive resolutions adopted by very large majorities. The consensus had been supported by a coalition of 1 350 civil society associations. The Council of Europe needed to take the lead again in preparing a binding instrument. At the same time, litigation in the courts was set to increase. He regretted the approach of the

¹ The minutes were approved and declassified by the Network at its meeting on 24 January 2024.

former President of the Court, Róbert Spanó, who had torpedoed the discussions just before the Summit and enabled some countries to hide behind his doubts.

Ms Fataliyeva informed members that the Azerbaijani parliament had set up a special committee and that environmental associations were expanding in the country.

Mr Moutquin stressed that attacks against environmental defenders also occurred in Europe. In June 2023, a member of the far right had described him as a “green Khmer”. The rise of the far right and populism was going hand in hand with increasing threats to environmental defenders. The members of the Network should name and shame the countries which were blocking progress. The Assembly had already responded 20 years ago to the questions put by the legal experts on the CDDH-ENV (Drafting Group on Human Rights and Environment). The Reykjavik process revealed the deadlock currently facing multilateralism and the tendency towards isolationism. He wondered about the need to keep all the adjectives (safe, clean, healthy and sustainable) when defining the right to a healthy environment.

Ms Lahe introduced herself as a young environmentalist elected representative. She asked the experts what people could do to show that they were on the side of the environment.

Mr Arsenis pointed out that his country had suffered fires and then floods during the summer. The Council of Europe needed to help bring about change.

Mr Fridez noted the serious and distressing language. The definition of climate refugees was not sufficiently clear. Citizens of wealthy countries bore a major responsibility. Although the vast majority of human beings were not responsible for the situation, they would nevertheless be the victims.

Mr Arsenis was pleased that the members of the Network were campaigning for the establishment of environmental rights. His party talked of generational egalitarianism so as to include future generations.

Mr Grin said he was in favour of protecting the environment through criminal law and wondered about how best to manage growth.

Ms Rall replied that her organisation was not in the habit of pointing out good practices, but noted that there was a clear determination to bring about greater protection. While legislation was often adequate, implementation was lacking. In response to Mr Fridez, she said that reconciling the two positions was not illogical. The fact that murders were more widely documented in South America than elsewhere demonstrated that there was greater public awareness there and the work of civil society was recognised. The concept of ecoterrorism was abused everywhere.

Mr Duyck referred to David Boyd and said that countries which recognised the right to a healthy environment had more effective legislation, mass participation and less environmental injustice. Civil society was the main driving force for change. The Council of Europe had to be in step with the work of the United Nations. That is what young people were calling for, through powerful movements seeking to clarify the law regarding governments’ liability. Behind the initiatives taken by small island states like Vanuatu, youth organisations had played a decisive part. Intergenerational fairness was vital. This new right also had to consolidate the protection of migrants. The question of degrowth arose as a way of challenging the status quo.

The four adjectives surrounding the right to a healthy environment were important. It was unfortunate that France had pushed for the adjective “safe” to be dropped because of the revival of its nuclear energy programme. As far as naming and shaming governments which were blocking progress was concerned, the United Kingdom and Norway were opposed, while France’s stance was weak. The determination of small countries like Slovenia and Costa Rica had been key at the United Nations. He hoped a similar coalition could be formed in the Committee of Ministers of the Council of Europe.

Mr Moutquin deplored the slowness of the operation of the Council of Europe and the CDDH-ENV. He endorsed the need to involve young people in the work.

Ms Estrela also supported the desire to involve young people and said that she remained optimistic. She hoped that the Network would have a seat on the future Reykjavik Committee.

Mr Gevorgyan and **Ms Sirkka Prammer** agreed.

Mr Moutquin and **Mr Arsenis** supported both the adoption of a protocol to the ECHR and the setting up of the Reykjavik Committee.

The Chairperson thanked the experts and said that discussions on the Reykjavik process would continue. She closed the hearing.

List of participants

Member States / États Membres

Albania / Albanie			
Andorra / Andorre			
Armenia / Arménie	Mr/M.	Armen Gevorgyan	EC/DA
Austria / Autriche	Mr/M.	Stefan Schennach	SOC
	Ms/Mme	Agnes Sirkka Prammer	SOC
Azerbaijan / Azerbaïdjan	Ms/Mme	Sevinj Fataliyeva	EC/DA
Belgium / Belgique	Mr/M.	Rik Daems	ALDE
Bosnia and Herzegovina / Bosnie-Herzégovine	Ms/Mme	Marina Pendeš	EPP/CD
	Mr/M.	Saša Magazinović	SOC
Bulgaria / Bulgarie			
Croatia / Croatie	Ms/Mme	Zdravka Bušić	EPP/CD
Cyprus / Chypre			
Czech Republic / République tchèque			
Denmark / Danemark			
Estonia / Estonie	Mr/M.	Urmas Reitelmann	EC/DA
Finland / Finlande	Ms/Mme	Minna Reijonen	EC/DA
France	Ms/Mme	Liliana Tanguy	ALDE
Georgia / Géorgie			
Germany / Allemagne	Ms/Mme	Franziska Kersten	SOC
Greece / Grèce	Mr/M.	George Papandreou	SOC
Hungary / Hongrie			
Iceland / Islande	Mr/M.	Bjarni Jónsson	UEL
Ireland / Irlande	Mr/M.	Thomas Pringle	UEL
	Ms/Mme	Róisín Garvey	SOC
Italy / Italie	Mr/M.	Stefano Maullu	EC/DA
	Ms/Mme	Aurora Floridia	SOC
Latvia / Lettonie			
Liechtenstein	Mr/M.	Peter Frick	ALDE
Lithuania / Lituanie	Mr/M.	Arminas Lydeka	ALDE
Luxembourg	Mr/M.	Paul Galles	EPP/CD
Malta / Malte			
Republic of Moldova / République de Moldova			
Monaco	Mr/M.	José Badia	EPP/CD
Montenegro / Monténégro	Mr/M.	Miloš Konatar	SOC
Netherlands / Pays-Bas	Ms/Mme	Margreet De Boer	SOC
	Ms/Mme	Agnes Mulder	EPP/CD
North Macedonia / Macédoine du Nord			
Norway / Norvège	Ms/Mme	Linda Hofstad Helleland	EPP/CD
Poland / Pologne	Ms/Mme	Marta Kubiak	EC/DA
	Ms/Mme	Danuta Jazłowiecka	EPP/CD
Portugal	Mr/M.	Pedro Cegonho	SOC
Romania / Roumanie	Ms/Mme	Maria Gabriela Horga	EPP/CD
	Ms/Mme	Alina Stefania Gorghiu	EPP/CD
San Marino / Saint-Marin			
Serbia / Serbie			
Slovak Republic / République slovaque			

Slovenia / <i>Slovénie</i>	Mr/M.	Dean Premik	ALDE
Spain / <i>Espagne</i>			
Sweden / <i>Suède</i>			
Switzerland / <i>Suisse</i>	Mr/M.	Jean-Pierre Grin	ALDE
	Mr/M.	Olivier Français	ALDE
Türkiye	Ms/Mme	Emine Nur Günay	NR
Ukraine	Ms/Mme	Yuliia Ovchynnykova	ALDE
United Kingdom / <i>Royaume-Uni</i>	Baroness	Doreen E. Massey	SOC

Observers / Observateurs

Canada		
Israel / <i>Israël</i>	Mr/M.	Yorai Lahav Hertzanu
Mexico / <i>Mexique</i>		

Partners for Democracy / Partenaires pour la Démocratie

Jordan / <i>Jordanie</i>		
Kyrgyzstan / <i>Kirghizstan</i>		
Morocco / <i>Maroc</i>	Mr/M.	Allal Amraoui
Palestine		

President of the Assembly / Président·e de l'Assemblée

Ex-Officio Member / Membre d'office	Mr/M.	Tiny Kox	UEL
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Presidents of Political Groups / Président·e-s des groupes politiques

Ex-Officio Members / Membres d'office	Mr/M.	Frank Schwabe	SOC
	Mr/M.	Aleksander Pociej	EPP/CD
	Mr/M.	Ian Liddell-Grainger	EC/DA
	Mr/M.	Iulian Bulai	ALDE
	Mr/M.	George Katrougalos	UEL

PACE committees concerned / Commissions de l'APCE concernées

Political Affairs / <i>Questions politiques</i>	Mr/M.	Simon Moutquin	SOC
Legal Affairs / <i>Questions juridiques</i>	Mr/M.	Ziya Altunyaldiz	NR
Migration / <i>Migrations</i>	Mr/M.	Pierre-Alain Fridez	SOC
Equality / <i>Égalité</i>	Ms/Mme	Edite Estrela	SOC
Culture	Ms/Mme	Inka Hopsu	SOC

Bureau of the Committee on Social Affairs / Bureau de la Commission des Questions Sociales
 (Ex-Officio Members / Membres d'office)

Chairperson / <i>présidente</i>	Ms/Mme	Selin Sayek Böke	SOC
First Vice-Chairperson / <i>premier vice-président</i>	Mr/M.	Alain Milon	EPP/CD
Second Vice-Chairperson / <i>deuxième vice-présidente</i>	Ms/Mme	Olena Khomenko	EC/DA
Third Vice-Chairperson / <i>troisième vice-présidente</i>	Ms/Mme	Sibel Arslan	SOC

Congress of Local and Regional Authorities / Congrès des Pouvoirs Locaux et Régionaux

Thematic Spokesperson on Environment and Climate Change/ <i>Porte-Parole thématique sur l'environnement et le changement climatique</i>	Mr/M.	Cemal Bas
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Parliamentary Assembly of the Francophonie / Assemblée parlementaire de la Francophonie

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Inter-Parliamentary Union / Union Interparlementaire

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European Parliament / Parlement Européen

France	Ms/Mme	Marie-Pierre Vedrenne (Renew Europe)
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Other Parliamentarians present / Autres parlementaires présent.e.s

Ms/Mme Hanah Lahe Estonia / *Estonie*
 Mr/ M. Pierre-Alain Fridez..... Switzerland / *Suisse*
 Mr/ M. Yıldırım Tuğrul Türkeş Türkiye
 Ms/Mme Lesia Zaburanna Ukraine
 Mr/M. Andrii Lopushanskyi Ukraine
 Mr/M. Kriton Arsenis, former member of the European Parliament / *ancien membre du Parlement européen*

Experts / Expert-e-s

Ms/Mme Katharina Rall, Senior researcher/*Chercheuse senior*, Environment and Human Rights / *Environnement et droits humains*, Human Rights Watch
 Mr/M. Sébastien Duyck, Senior Attorney, Human Rights and Climate Campaign Manager, Climate and Energy Program, Center for International Environmental Law (CIEL) / *Juriste senior, Chef de projet campagne droits humains et climat, Programme Climat et Energie, Centre pour le droit international de l'environnement (CIEL)*

Secretariat of Delegation or of Political Groupe / Secrétariat de délégation ou de Groupe politique

Ms/Mme Sonja Langenhaeck Belgium / *Belgique*
 Ms/Mme Carmen Ionescu Romania / *Roumanie*
 Ms/Mme Handan Karakaş Demir Türkiye
 Mr/M. Kenan Arpacioğlu Türkiye
 Ms/Mme Anna Kolotova UEL / *GUE*
 Ms/Mme Francesca Arbogast..... SOC

Other persons present / Autres personnes présentes

Ms/Mme Eleanor Cohen.....Permanent Representation of Israel to OECD / *Représentation permanente d'Israël auprès de l'OCDE*

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée Parlementaire

Committee on Social Affairs, Health and Sustainable Development /
Commission des questions sociales, de la santé et du développement durable

Ms / Mme Aiste Ramanauskaite Secretary to the Committee / *Secrétaire de la commission*
 Ms / Mme Jannick Devaux Secretary to the Committee / *Secrétaire de la commission*
 Ms / Mme Anita Gholami.....Co-Secretary/ *Co-Secrétaire*
 Mr / M. Guillaume Parent.....Co-Secretary/ *Co-Secrétaire*
 Ms / Mme Prisca Barthel.....Responsible for the Europe Prize / *Responsable du Prix de l'Europe*