

Environmental Protection and Human Rights

High-Level Conference organised by the Georgian Presidency of the Committee of Ministers

Strasbourg, 27 February 2020

Final Declaration by the Presidency of the Committee of Ministers

A healthy environment is a precondition for the preservation of life on our planet and, therefore, for the very enjoyment by every human being of his or her inherent rights and liberties under the Universal Declaration of Human Rights and the European Convention on Human Rights.

Climate change, extinction of species, loss of biodiversity, pollution and the overall degradation of the earth's ecosystems have a profound global impact on the enjoyment of human rights and require the widest possible cooperation by all Council of Europe Member States.

The protection of the environment and the protection of human rights are interconnected: one cannot be achieved without the other, nor at the expense of the other. Life and well-being on our planet is contingent on humanity's collective capacity to guarantee both human rights and a healthy environment to future generations.

A sustainable future calls for immediate action in the present.

As the guarantor of our common Pan-European legal space, the Council of Europe has a key role to play in mainstreaming the environmental dimension into human rights and pursue a rights-based approach to environmental protection. Its unique legal instruments provide a solid basis for action on the Continent and beyond.

The Ministerial Conference highlights, inter alia, the following measures that need to be further considered and pursued.

- ***European Convention on Human Rights and European Social Charter***

The European Convention on Human Rights has already served to protect individuals and the society at large in many cases of environmental damage. The European Social Charter is also of great relevance to environmental issues through its protection of social rights.

The interpretation of these fundamental human rights instruments, which echo the Universal Declaration of Human Rights, has already established a solid link between human rights and environmental protection underlining the obligation of States Parties to take positive action to protect the environment. The European Court of Human Rights and the European Committee

of Social Rights are encouraged to further substantiate their case-law and give priority consideration to complaints involving issues of environmental protection.

When such issues come to the attention of the Committee of Ministers under the Convention and the Charter, the implementation measures to be taken by Member States should be considered as a matter of priority. The case-law developments at the European level should thus inspire national governments and courts to protect the environment through the protection of human rights, including the right to life, health and shelter, as well as the right to private life and the right to receive and disseminate information.

- **Up-grading Pan-European legal standards**

Beyond the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979) and the European Landscape Convention (Florence, 2000), the Council of Europe has developed further legal standards that need to be implemented and upgraded in light of current urgent environmental and climate challenges.

The 1998 Convention on the Protection of the Environment through Criminal Law should be reviewed and updated in order to provide clearer legal obligations and stronger sanctions for environmental crime. The new text should also provide for more effective international cooperation, in particular when organised crime is involved.

The 1993 Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment should also be reviewed to provide more effective protection.

A draft Recommendation of the Committee of Ministers on Human Rights and Environment shall be elaborated by the Steering Committee for Human Rights in 2020-2021 to anchor common approaches among Member States and to explore viable ways forward for further legal developments at both the national and European levels.

States which have not yet done so should consider signing and ratifying, inter alia, the 1998 Aarhus Convention of the United Nations on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the 2010 Tromsø Convention of the Council of Europe on Access to Official Documents which guarantee public scrutiny of decision-making on environmental issues.

- **Acting to support Member States in meeting their obligations**

The Council of Europe, as an Organisation aimed at ensuring greater unity among its Member States, could contemplate launching a Council of Europe Strategy on the Environment and Human Rights with the aim of supporting Member States in meeting their obligations in the field, including in respect of the United Nations Convention on Climate Change. This strategy should set clear and enforceable targets, and devise tools for exchanging good practices, challenges and lessons learnt.

Within the framework of this strategy the following actions should be envisaged:

- ***Awareness-raising and professional training***

The Council of Europe should fully employ its resources to raise awareness and devise effective action among decision-makers and the public at large on the critical interplay between the protection of the environment and human rights. This should be pursued in all relevant spheres of its intergovernmental, monitoring and cooperation activities.

The ongoing preparation of an on-line training course under the Council of Europe HELP Programme on human rights and environment is a welcome first step, but further concerted action on different fronts is called for. Other initiatives to promote effective action in this area are encouraged at an institutional level throughout the Council of Europe, including within the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Conference of INGOs of the Council of Europe.

Synergies should be developed with other international organisations, in particular the United Nations, the European Union and the OECD. Partnerships with NGOs and the private sector should also be explored.

- ***Targeted Cooperation Programmes***

The Council of Europe could devise targeted co-operation programmes to support a rights-based approach in the definition and implementation of sustainability policies. Already now, environmental issues could usefully be addressed in the ongoing technical cooperation and assistance activities covering, inter alia, human rights, children and youth, gender, migration, internal displacement, education and the media, as well as in the framework of any action taken as a follow up to Committee of Ministers Recommendation CM/Rec(2016)3 to the Member States on Human Rights and Business.

The Council of Europe Development Bank may wish to explore ways to provide financial and technical support to projects which address environmental issues, taking into account their human rights dimension.

- ***Development of National Policies and Actions***

The primary responsibility for protecting the environment and human rights rests with Member States.

In developing their legislations, policies, strategies and actions, Member States could build upon and implement the afore-mentioned legal instruments and activities of the Council of Europe.

The attainment of a sustainable future is impossible without collaborative and inclusive working relationships of diverse actors including corporations, civil society, human rights defenders and independent human rights bodies. States should explore all possible partnerships with a view to mainstreaming the environmental dimension in the domestic activities for the promotion and protection of human rights. In particular, National Action Plans under the UN Guiding Principles on Business and Human Rights could set up suitable structures, mechanisms and processes to ensure responsible business conduct in respect of both human rights and environment.

- ***Political Coordination among Member States***

Effective coordination should be developed so that Member States of the Council of Europe have greater collective impact in international fora where environmental issues are addressed, building upon the Council of Europe's approach and added value.

As a first step, the Organisation could consider a common approach to contributing to the UN 2030 Agenda for Sustainable Development, starting with good health and well-being (Goal 3). Greater collective action at the European level would set a global precedent and reduce the foreseeable risk of irreparable harm to the human rights of future generations.

- ***Making Council of Europe's activities more environmentally-conscious***

In cooperation with other international institutions, the Council of Europe should set an example by revising its own working methods so as to measure and minimise the negative environmental impact of its activities.