

THE ROLE OF NATIONAL PARLIAMENTS IN PROTECTING THE RIGHT TO A HEALTHY ENVIRONMENT

Parliamentary Conference Report

14 February 2025

Neumünster Abbey, Grand Duchy of Luxembourg

The event was organised at the initiative of the Chamber of Deputies of the Grand Duchy of Luxembourg. Participants included members of parliament and staff of the Chamber of Deputies, members of the Parliamentary Network for a healthy environment of the Parliamentary Assembly of the Council of Europe, senior civil servants, national and international experts, representatives of non-governmental organisations and young people. ¹

CONTEXT OF THE CONFERENCE

The Luxembourg Presidency of the Committee of Ministers of the Council of Europe supports a Council of Europe approach focused on respect for human rights in environmental issues. At the same time, the Parliamentary Assembly of the Council of Europe (PACE) is committed to supporting the efforts of the Council of Europe and national parliaments to build a legal system adapted to the protection of the right to a healthy environment. In April 2024, PACE adopted Resolution 2545(2024) "Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process" (Rapporteur Mr Simon Moutquin, Belgium, SOC). In 2022, the Assembly created a Network of Parliamentarians for a Healthy Environment, which advocates new approaches to environmental governance, exchanges with academic and scientific experts, representatives of civil society and other Council of Europe bodies, carries out field visits and shares information and good practice.

PACE parliamentarians have a key role in the effective implementation of PACE resolutions which are addressed to member States and their authorities, including national parliaments. By adopting national legislation, verifying the compatibility of governments' actions with international standards and allocating adequate resources, national parliaments play a key role

¹ *This report was drafted by the Secretariat and do not bind the speakers or the Council of Europe.*

in advancing the PACE agenda and better protecting human rights in Council of Europe member States. Thanks to their privileged access to the national population, parliamentarians are ideally placed to promote Council of Europe standards at national level and can help increase acceptance of international and national measures taken in the public interest to protect the environment.

PACE also encourages parliamentarians from member States to implement judgments of the European Court of Human Rights and conclusions and decisions of the European Committee of Social Rights. By learning from other countries' experiences of violations of the European Convention on Human Rights and the (revised) European Social Charter, parliamentarians can help to address similar challenges in their own countries, particularly on environmental issues covered by the Convention and the Charter.

It is not a one-way process. As the PACE is made up of representatives of the national parliaments of the 46 member states, its achievements are ultimately those of the national parliamentarians. Dialogue with national parliaments enables PACE to adapt the implementation of its resolutions to national realities, taking into account their needs and capacities. The contribution of members of national parliaments to this event is essential, as they have an important responsibility: to multiply the effects of PACE decisions by making its work visible in their home countries and by contributing to the effective implementation of Council of Europe standards at national level.

CONFERENCE OBJECTIVES

The overall aim of this conference was to increase the capacity of Luxembourg and Belgian parliamentarians and members of the PACE Parliamentary Network for a Healthy Environment to contribute to the follow-up of the various measures called for by Resolution 2545(2024). It also aimed to take stock of existing good practice in meeting the challenges faced by the Grand Duchy of Luxembourg and Belgium in applying the right to a healthy environment.

The conference had the following specific objectives

- To present the Council of Europe's current work on the protection of the right to a healthy environment, and in particular the relevant PACE texts, followed by an overview of the current challenges, the action taken and the possible solutions provided by the Luxembourg and Belgian national authorities.
- Encouraging reflection on the impact of climate and environmental litigation. This topic explores the influence of rulings by the European Court of Human Rights and the European Committee of Social Rights on Luxembourg's environmental strategies.
- To highlight the intersection of human rights, environmental protection and corporate social responsibility by presenting and analysing the international legal context and national initiatives for a sustainable business model
- To examine the extent of the involvement of civil society, particularly young people, in environmental decision-making processes and the concrete initiatives supported by the Grand Duchy of Luxembourg.

OPENING SPEECH



Claude WISELER, President of the Chamber of Deputies of the Luxembourg Parliament

The right to a healthy environment is already under serious threat before it is enshrined. No place on Earth has been spared. Europe is the fastest-warming continent. The European Environment Agency recently sounded the alarm about perfluoroalkylated and polyfluoroalkylated substances (PFAS), "eternal pollutants". These substances contaminate our soil, water and everyday objects. A healthy environment is not a luxury or just another emergency, but a matter of collective survival.

What path should we take? We need to revolutionise our way of thinking and embark on a transition in line with the 2030 Sustainable Development Goals. Our young people are not waiting for us: they are mobilising and embodying hope. That's why this conference is giving them special visibility. Citizens must be consulted and involved in order to take ownership of the issues at stake. Transformation also requires private players to be given a sense of responsibility, to speed up the transition process. Sustainability is not a constraint, but a tremendous opportunity.

Rights and freedoms are under threat from the triple global crisis. These are the findings of the heads of state and government meeting in Reykjavik. PACE took a decisive step forward in 2024 by calling for the recognition of an autonomous right to a healthy environment. The right to a healthy environment is not a legal abstraction: it is the right of everyone to eat properly, to drink clean water, to breathe unpolluted air - in short, to live in an environment that is conducive to our health.

Luxembourg has assumed its responsibilities. In 2023, the Constitution was revised, and Article 41 is now devoted to environmental protection. The University of Luxembourg has created a centre of excellence, a *think tank* dedicated to environmental issues. The Luxembourg Presidency of the Council of Europe has placed human rights at the heart of environmental issues. A voluntary contribution has strengthened funding for the project to implement the Reykjavik Declaration on the Environment.

Commitment to a legally binding instrument is a priority, with high hopes placed in multilateral cooperation and the *Ad Hoc* Multidisciplinary Group on the Environment which is expected to deliver a concrete strategy.



Saskia KLUIT, Chair of the Committee on Social Affairs, Health and Sustainable Development

The aim of this conference is to reaffirm our shared commitment to the recognition and protection of the right to a healthy environment. This right, which is essential in the face of today's environmental challenges, must be strengthened by the action of national parliaments.

National parliaments play a key role in adopting legislation in line with international standards, ensuring that it is implemented and raising public awareness. They also act as intermediaries between international institutions and citizens, ensuring greater acceptance of environmental policies.

PACE is calling for a binding legal instrument at the European level. Resolution 2545 (2024) calls on member States to recognise the right to a healthy environment as an autonomous fundamental right. The creation of the Parliamentary Network for a Healthy Environment in 2022 also bears witness to this commitment.

The Council of Europe, although little known to the general public, is a key player in the protection of human rights. Since 1949, it has shaped a common legal area around the European Convention on Human Rights. Today, it is committed to fully integrating environmental issues into its action, and PACE is ensuring that parliamentarians assume their responsibilities in this implementation.

The involvement of national parliaments is essential. They must examine government policies, ensure compliance with international obligations and propose legislative advances. Because of their proximity to citizens, they are also best placed to raise awareness and mobilise public opinion on these crucial issues.

Luxembourg has not yet taken a position on the adoption of a binding legal instrument for the right to a healthy environment. A clear political commitment from its parliament could reinforce this momentum and encourage other countries to follow suit.

Now we need to turn our commitments into concrete action. The role of national parliaments is fundamental in making the right to a healthy environment a legal and effective reality. Let's work together to ensure that this right is fully recognised and protected.





Aurora FLORIDIA, President of the Parliamentary Network for a Healthy Environment

Recognition of the right to a safe, clean, healthy and sustainable environment (Moutquin report)

In the face of the climate emergency, recognised as the greatest threat to humanity, it is essential to act in a structured and sustainable way to counter its harmful effects on the planet and human rights. The scientific, political and judicial consensus on this emergency is solid. It is therefore crucial that we continue our efforts to meet this challenge.

At European level, the need for action was recognised as early as the Georgian chairmanship of the Committee of Ministers in 2020, followed by the unanimous vote of United Nations Resolution 76/300 in July 2022. Political recognition of the right to a healthy environment took on a decisive dimension at the 4^e Summit of the Council of Europe in May 2023, under the Icelandic Presidency, marking a major milestone. In May, two years after the Reykjavik Declaration, the Committee of Ministers will have to decide whether to draft a binding legal instrument in parallel with the adoption of the Council of Europe Strategy on the Environment.

Within PACE, we have been arguing for decades for independent and binding legal recognition of the right to a healthy environment. A recurring argument against such recognition is the lack of harmonisation of national approaches. However, nearly 80% of United Nations member states and almost all Council of Europe members have legislated on this issue, underlining the need for a common framework to ensure clarity and consistency.

PACE therefore calls on member states to continue their discussions on the nature and implications of this right, while strengthening the legitimacy of the Council of Europe in promoting a binding instrument. Furthermore, citizen participation - through climate assemblies and local initiatives targeting vulnerable populations, with a particular focus on young people - is essential for a fair and sustainable ecological transition.

Finally, our Parliamentary Network for a Healthy Environment, created in 2022 and which I have the honour of chairing, facilitates the exchange of practices and supports the implementation of environmental decisions. The time for hesitation is over: it is imperative that we turn our commitments into concrete actions so that the right to a healthy environment becomes a reality for everyone.



Ragnhildur ARNLJÓTSDÓTTIR, Ambassador, Permanent Representation of Iceland to the Council of Europe

The role of the Council of Europe: a review of the Council of Europe's work in the context of the Reykjavik process

Under Iceland's presidency (2022-2023) of the Council of Europe, priority has been given to environmental protection. The Reykjavik summit, the only one of its kind in its 75-year history, brought together European leaders around the theme "United to meet the challenges of today and tomorrow", illustrating the urgent need for coordinated action.

Numerous instruments already exist: the Bern Convention, the European Landscape Convention, the Tromsø Convention and more than 300 decisions by the European Court of Human Rights. However, all these initiatives suffer from a lack of coordination and visibility. To remedy this fragmentation, the Reykjavik Process was launched with the aim of strengthening, harmonising and raising the profile of the Council of Europe's environmental and human rights activities.

The Reykjavik Declaration set two major objectives. The first was to rapidly finalise a Convention on the protection of the environment through criminal law. The second was to conduct a feasibility study on the introduction of new legal instruments. It is important to stress that all the alternatives are legally viable. At the same time, the development of an environmental strategy and an action plan are on the agenda of the *Ad Hoc* multidisciplinary group on the environment.

Further discussions will take place within the Committee of Ministers at the ministerial meeting in Luxembourg in May 2025. The involvement of young people and the creation of a dedicated intergovernmental committee are likely to strengthen the collective will to take long-term action.

With over 50 years of experience and debate on the subject, it is vital that the Council of Europe develops a coordinated approach to meeting current and future environmental challenges.



Charlotte BLONDEL, Vice-Chair of the *Ad Hoc* Multidisciplinary Group on the Environment (GME), Council of Europe

Human rights and the environment are mutually reinforcing. A clean, healthy and sustainable environment guarantees the full exercise of present and future rights. The Council of Europe has always been committed to the conservation of natural heritage, with major international treaties such as the Bern Convention and the European Landscape Convention guiding the policies and practices of member states.

The protection of fundamental rights affected by environmental damage and climate change is reflected in the work of the Assembly, the Congress and the Commissioner. The case law of the European Court of Human Rights, with over 300 decisions relating to the environment, and the interpretation of the right to health protection by the European Committee of Social Rights underline this inseparable link.

In the face of increasing natural disasters and technological risks, the EUR-OPA Major Risks Agreement is becoming an essential platform for crisis prevention, preparedness and response.

The planet is in crisis, and the 4th Summit of Heads of State and Government in Reykjavik in May 2023 confirmed the urgent need to step up action in this area. This context led to the implementation of the Reykjavik Process. This process aims to make the environment a visible priority for the Council of Europe by focusing, streamlining and coordinating its activities to effectively identify and respond to challenges.

Three concrete measures have resulted from this: the creation of a new Directorate for Social Rights, Health and the Environment and its Reykjavik Process Department, the setting up of a Task Force within the Secretariat, and the formation of the *Ad Hoc* Multidisciplinary Group on the Environment responsible for drawing up a Strategy on the Environment.

The *Ad Hoc* Multidisciplinary Group on the Environment brings together representatives of 46 governments, experts from various ministries and institutional, international and civil society observers. The work also includes contributions from youth organisations and is actively

supported by PACE. The strategy, which is due to be adopted at the ministerial session of the Committee of Ministers in May 2025, is based on five objectives: recognising the link between human rights and the environment, strengthening democratic governance, protecting defenders and whistleblowers, preventing and prosecuting environmental crime, and safeguarding biodiversity. An Intergovernmental Committee, complementing existing structures, will coordinate these actions.

National parliaments have a decisive role to play in tackling this "existential" crisis for humanity and protecting our common heritage for future generations.



National overview of legislation and policies

Paul GALLES, Chairman of the Environment Committee of the Luxembourg Chamber of Deputies, member of the Luxembourg delegation to PACE

It is essential to link environmental issues to health, emphasising their global and holistic nature and their direct link to a healthy environment. Everywhere, the voices of young people and NGOs are resounding in defence of a living environment that is more respectful of health, particularly in Luxembourg. Yet the multiple crises pose major political challenges. Despite this, hope remains, reinforced by Luxembourg's commitment through detailed national plans and a solid constitutional framework in favour of environmental protection. Within PACE, efforts are also being made to strengthen human rights, notably through the possible adoption of an additional protocol recognising the right to a healthy environment.

Anne LAMBELIN, member of the Belgian Senate, member of the Belgian delegation to the Parliamentary Assembly of the Council of Europe

It is essential to approach the environmental issue from a health perspective, so that everyone can take ownership of this crucial battle, at a time when commitment to the environment is waning in the face of rising populism and climate scepticism, and when we are experiencing an unprecedented crisis. In Belgium, the situation is alarming: our country is lagging in transposing European directives and is reducing the budgets allocated to biodiversity.

At the heart of a European citizens' initiative to finance the environment, which will be submitted to the European Commission in 2024, is the question of how the EU can raise its own funding, in the same way as the Covid-19 recovery plan. The initiative, backed by Thomas Piketty, Oxfam and Engel-Borne, is based on a tax on large fortunes. But lacking sufficient signatures, it is struggling to make headway.

Environmental inequalities are superimposed on social inequalities: the most vulnerable people pay a high price for inaction. A disadvantaged person is three times more likely to die during a pollution peak.

Since 2014, Belgian studies have been revealing the excessive presence of endocrine disruptors in our bodies, partly due to cosmetics and clothing treated with flame retardants. Today, the PFAS crisis, these "eternal pollutants", is accentuating the problem: they are contaminating drinking water, as current filters are ineffective. The critical threshold of 4 ng has been exceeded, leading to cancers, hormonal disturbances and endometriosis. Instead of treating the causes, we simply reinforce the filtration systems. The central question is: why are these substances still authorised? Activists are fighting against the multinationals that exploit them, and politicians must support them by legislating. France has banned their production; Belgium should follow

suit. A motion for a resolution has been tabled in the Walloon Parliament to coordinate environmental and health policies.

Air pollution causes 9,380 deaths a year in Belgium, and 11% of deaths in Brussels. We need to make this reality visible. We need to go beyond the European directives on the environment. Agriculture is suffering enormously. We certainly need to impose rules, but above all we need to support farmers in the ecological transition to make it economically and socially viable. Finally, it is vital to step up the monitoring of the environmental impact on health using indicators and exposure maps.

All these problems stem from our model of over-consumption and over-production. It's time to call it into question and build a fairer, more sustainable society.





Françoise TULKENS, former Judge of the European Court of Human Rights, elected in respect of Belgium

The climate case law of the European Court of Human Rights

Environmental degradation poses direct and indirect threats to many fundamental human rights, such as the right to life, health, water and education. Environmental migration is now a reality, illustrating the effects of climate change, described by some authors as the "mother of all battles". Human rights therefore influence the future of climate change, and vice versa.

Despite the proliferation of texts guaranteeing human rights, there is still a gap between the stated principles and the actions taken. Civil society is playing a major role in the implementation of climate justice by mobilising legal action to hold governments accountable. This approach has led to groundbreaking court rulings in the Netherlands, Germany, Belgium and Ireland, sanctioning states on the basis of Articles 2 and 8 of the European Convention on Human Rights.

The Court followed this trend with the *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* judgment of 9 April 2024. This decision marks a step forward by recognising that climate change threatens human rights. It imposes positive obligations on States to protect and recognise the right of associations to take action. However, for reasons of caution, the Court did not address certain crucial issues, such as recognition of the right to life (Article 2), the concept of jurisdiction (Article 1), and the status of victims (Article 34).

Four avenues can be explored to strengthen the protection of the right to a healthy environment. Execution of the Court's judgments. A ruling that is not applied in practice is ineffective. In Switzerland, the Court's ruling has provoked mixed reactions, imposing reforms to combat greenhouse gas emissions. For companies, it represents a real upheaval in their business model. Corporate responsibility. Companies whose activities contribute to climate change have an obligation to reduce emissions. The Shell ruling by the Court of Appeal in The Hague on 12 November 2024 is an illustration of this. Recognition of solidarity rights. A new generation of human rights is emerging, linked to intergenerational and intercommunity solidarity. An additional protocol to the Convention on the Right to a Healthy Environment. Some advocate explicit and binding recognition, while others believe that current case law is sufficient.

The Court's rulings are struggling to have an impact in a context of weakened multilateralism. The stakes are shifting to the national level, with a relocation of environmental commitments. More than the courts, it is the agora that could embody change.



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Olivier DE SCHUTTER, Member of the European Committee of Social Rights, United Nations Special Rapporteur on extreme poverty and human rights

Environmental case law of the European Committee of Social Rights

The European Social Charter has many links with environmental protection, links that are underestimated and insufficiently exploited by certain non-governmental organisations that could make greater use of this instrument.

Several provisions are worth recalling. Fair working conditions (article 2) and acceptable health and safety conditions (article 3) were, for example, invoked in the *Marangopoulos Human Rights Foundation v Greece* case (2005). Protected by Article 11, the right to health has become a vehicle for integrating the right to a healthy environment. In *Marangopoulos* and another decision against Greece on 23 January 2013, the European Committee of Social Rights affirmed that absolute scientific certainty was not required in order to act, thereby recognising the precautionary principle. The right to housing also comes into play, as it did in the *Médecins du Monde International v. France* decision of 11 September 2012 concerning the housing conditions in a Roma camp, where the health of the inhabitants was at risk due to the poor quality of the water, sanitation and waste treatment. The Charter prohibits all forms of discrimination in the enjoyment of the economic and social rights it enshrines. This is particularly important given the disproportionate impact of pollution and climate change on people on low incomes - who are often forced to live in areas more exposed to environmental risks.

Why is the Charter an essential tool in the fight against climate change? The Charter offers a series of entry points for reconciling social protection and the fight against climate change. There are a number of major advantages that justify considering an additional protocol to strengthen the Committee's action.

The collective complaints system. In *Verein KlimaSeniorinnen Schweiz*, the Court recalled that, in principle, only direct victims may lodge an application under Article 34 of the Convention. However, in climate matters, this possibility must be opened up to organisations, which the Court recognises: "in today's societies, when citizens are confronted with particularly complex administrative acts, recourse to collective entities such as associations represents one of the accessible means, sometimes the only one, available to them for ensuring effective defence of their particular interests. This is particularly true in the face of climate change, which is a global and complex phenomenon. It has many causes, and its harmful effects are not just of concern to a particular individual or group of individuals but are in fact "a matter of concern for humanity as a whole". This passage highlights the inadequacy of the means available to isolated individuals to defend a collective cause and their under-representation in the decision-making process. Yet it is precisely in the context of collective complaints that non-governmental organisations and trade unions can refer cases to the Committee.

The need for immediate and sustained action. Climate change requires immediate action followed by regular, measurable deadlines. The Committee receives regular reports from States, enabling it to monitor the implementation of decisions, including progress towards carbon neutrality.

A just transition. The fight against climate change must go hand in hand with the preservation of purchasing power and the fight against poverty. The Committee is well-placed to strike this balance by guiding governments on how to reconcile these sometimes-conflicting demands. In addition, a decision (not yet public) recognises the right to energy - stable, secure and sustainable energy - as an essential prerequisite for the enjoyment of the rights set out in the Charter. The Charter thus provides a means of guiding trade-offs between the urgent need to decarbonise the economy and social justice, notably by prohibiting discrimination based on age or income.

In conclusion, we should be pleased that the Moutquin report has had a significant impact in guiding the work of PACE. It is essential to take seriously the possibility of an additional protocol to the Charter so that the right to the environment is even better protected by the Committee than it is at present.



Hicham RASSAFI-GUIBAL, lawyer, Doctor of Public Law

The impact of European climate and environmental litigation on national law and policy

In 2023, a new Luxembourg constitution was adopted, Article 41 of which states that the State guarantees the protection of the human and natural environment and undertakes to combat climate change. This text sets an objective with constitutional value, but it cannot be invoked in court. This restriction is the result of resistance from the *Conseil d'Etat*, supported by parliamentary committees. This is a step backwards, since previously a constitutional principle that could be invoked had given rise to a wealth of case law from the administrative courts. However, there is no climate litigation that calls into question the State's inaction.

Environmental legislation is fragmented and abundant. An analysis of 23 pieces of legislation reveals the following fundamental characteristics: the absence of collective redress; the centralisation of environmental powers in the hands of the State, in accordance with a "public enforcement" rationale; the right of any interested party to ask the Minister to act, with the possibility of recourse to full litigation in the event of inaction; and the possibility (with the

exception of the Climate Act) for approved associations to take legal action as a civil party in a criminal context or to bring administrative actions for annulment.

Luxembourg, with its radical legal monism, gives primacy to extra-national standards, even over constitutional provisions. An eloquent example of this is a decision by the Administrative Court to align itself with an order of the Court of Justice of the European Union, despite disagreement over the principle of proportionality, so as not to "stand apart". There is no doubt that Luxembourg will welcome the European Court of Human Rights' case law on climate change.

There are three ways in which the legislature invokes climate litigation to justify climate action. Limiting, when European case law is invoked to restrict the exercise of certain rights, such as the requirement to submit observations during public inquiries into potential environmental impacts. Protective when European law is used to guarantee the effectiveness of environmental rights, such as the automatic refusal to issue authorisations in the event of prolonged administrative silence, to prevent potentially serious impacts. Consolidating when a legislative provision is justified by the need to incorporate Luxembourg case law into positive law.



Sumeyra ARSLAN, Representative of the European Coalition for the Right to an Environment

Towards legally binding recognition of the human right to a healthy environment

The right to a healthy environment is now a crucial issue in the face of the global environmental crisis: pollution, loss of biodiversity and climate change are threatening our societies. Although the United Nations and the Reykjavik Declaration have recognised this right, the Council of Europe remains the only major human rights protection system not to have incorporated it legally. It is time to adopt a binding protocol to guarantee effective and coherent protection of the environment and human rights.

The lack of legal recognition creates gaps in the case law of the European Court of Human Rights, which cannot fully impose environmental remedies. At present, 42 of the 46 member states of the Council of Europe recognise this right at various levels, but without harmonisation, protection remains uneven. A legally binding instrument would strengthen the consistency of judicial decisions and force states to adopt more ambitious environmental policies.

Such an instrument would also enable governments to better regulate polluting companies by imposing stricter standards, regulating industrial practices and limiting abusive litigation linked to investor-State Dispute Settlement mechanisms. In addition, formal recognition of the right to a healthy environment would provide legal certainty by guaranteeing a uniform and predictable interpretation of environmental disputes.

There are several options: incorporating it into the Convention and the Charter, recognising its importance without making it binding, or adopting a stand-alone convention. An additional protocol to the Convention would have the advantages of building on the Court's existing infrastructure, avoiding fragmented responses and guaranteeing effective, legally binding protection.

Recognising this right would put the Council of Europe at the forefront of environmental and democratic progress. It is a necessary commitment to protect the planet and future generations, while affirming the rule of law in the face of current crises.



Kathia MARTIN-CHENUT, Director of Research at the National Center for Scientific Research, assigned to the Institute of Legal and Philosophical Sciences at Sorbonne University

International standards on human rights and business: between diversity and the need for harmonisation

Developments in the international and regional regulatory framework bear witness to a gradual strengthening of corporate responsibility with regard to human and environmental rights. As early as the 1970s, the United Nations began this process with a draft Code of Conduct for Multinational Enterprises, without reaching a consensus. Two major advances followed: the Guiding Principles of the Organisation for Economic Co-operation and Development (1976) and the Tripartite Declaration of Principles concerning Multinational Enterprises (International Labour Organisation, 1977). But the real turning point came in 2011 with the adoption of the Guiding Principles on Business and Human Rights by the United Nations Human Rights Council. These principles are based on three pillars: protection by the State, corporate responsibility and access to remedies for victims. Due diligence becomes central, requiring companies to identify, prevent and mitigate their negative impacts.

At regional level, PACE adopted a report in 2010 highlighting the legal gaps in corporate responsibility. In 2014, the Committee of Ministers published a "Declaration on the Guiding Principles on Business and Human Rights", followed in 2016 by a recommendation structured around the three UN pillars. A report by the Steering Committee for Human Rights in 2022 highlights the need for a stronger environment and better remedies. In 2021, the PACE adopted a resolution entitled "Anchoring the right to a healthy environment: the need for enhanced action by the Council of Europe", while in 2022 the Committee of Ministers published Recommendation (2022)20 on human rights and the protection of the environment, which updated the obligations of companies.

The European Union has also made progress, from the Green Paper on CSR (2001) to Directive 2014/95, which requires companies with more than 500 employees to publish information on their environmental and human rights policies, and Directive 2022/2464, which concerns the publication of sustainability information by enterprises (CSRD). A proposal for a directive on corporate sustainability due diligence (CSDD) envisages obliging large companies to identify, prevent, mitigate and report on the negative impacts of their activities on human rights and the environment in their operations, subsidiaries and value chains.

These initiatives are converging towards a global harmonisation of standards, although a binding instrument at UN level is still awaited to strengthen the remedies and integrate climate and environmental issues.



Başak BAĞLAYAN, Responsible Business Conduct Expert, Secretary General of the Luxembourg National Contact Point of the Organisation for Economic Co-operation and Development (OECD)

Responsible business conduct: from the international to the national context

The OECD Guidelines for Multinational Enterprises are unique in several respects.

Adopted in 1976, the Guiding Principles have been updated six times to adapt to economic, social and environmental developments, most recently in 2023. They have inspired the European Union's rules on corporate social responsibility. Their scope is broad: nine thematic chapters cover human rights, employment, the environment, anti-corruption, consumer interests, science and technology, taxation, competition and transparency. They go beyond the UN principles by including taxation and competition. They apply in 53 countries, including 31 Council of Europe member states, and extend beyond the "wealthier" countries, covering Brazil, Morocco and the Maldives.

The Guiding Principles are based on a twofold observation: companies play a key role in sustainable development, but they can also generate negative impacts by directly causing damage to the environment. In application of the Guiding Principles, companies must measure, monitor and reduce their greenhouse gas emissions throughout their value chain. They must account for their climate impact through environmental reports, follow recognised standards (such as those of the IPCC) and disclose their financial climate risks. They integrate a *business case*, i.e. they demonstrate that responsible practices can also be profitable for a company, by avoiding litigation and sanctions, reducing insurance costs and attracting investors, customers and talent more easily.

The Guidelines provide for dispute settlement mechanisms, through National Contact Points whose mission is to promote the principles and to deal, through conciliation, with complaints lodged by parliaments, non-governmental organisations, etc. concerning alleged violations of the principles by companies. For example, members of parliament in Belgium and France have denounced Shein's practices relating to the overproduction of clothing, working conditions, the opacity of the supply chain and the presence of toxic substances in products. In Luxembourg, a complaint lodged by Greenpeace is pending on the subject of pension funds.





Anne MAHRER, Co-President of KlimaSeniorinnen Schweiz

Making governments accountable for meeting the challenges of climate change

KlimaSeniorinnen Schweiz (Seniors for Climate Protection) was founded in 2016 by a group of women aged over 64 who felt that global warming was putting their health at risk, particularly through heatwaves. They decided to take the Swiss government to court, accusing it of not doing enough to limit greenhouse gas emissions

In 2016, the association asked the Federal Office for the Environment to recognise that Switzerland was violating their rights by not adopting a sufficiently ambitious climate policy. The Office rejected this request. In 2018, the *KlimaSeniorinnen* appealed to the Federal Administrative Court, which rejected their complaint on the grounds that global warming affects the entire population, not just the elderly. The Swiss Federal Supreme Court (the country's highest court) upheld the decision, ruling that the plaintiffs could not be directly and individually affected by climate change, and that their action lacked legal legitimacy.

In 2020, the *KlimaSeniorinnen* took their case to the European Court of Human Rights, accusing Switzerland of violating Article 8 (right to private and family life) and Article 6 (right to a fair trial) of the Convention by failing to adopt sufficient measures against global warming. The Grand Chamber of the Court held a historic hearing on 29 March 2023. In its ruling of 9 April 2024, the Court decided that Switzerland had violated the fundamental rights of *KlimaSeniorinnen* by failing to take sufficient climate measures. It recognises that States have an obligation to protect against climate change under the Convention.

The case of *KlimaSeniorinnen v. Switzerland* establishes that climate inaction can constitute a violation of human rights. It could serve as a model for other climate appeals in Europe and put pressure on governments to adopt more ambitious policies in the fight against climate change.



Citizens' consultation and results in the Grand Duchy of Luxembourg

Joëlle WELFRING, Luxembourg MP, former Minister for the Environment, Climate and Sustainable Development

A major initiative has been launched in Luxembourg to involve citizens in defining the future of spatial planning, in response to the challenges of a growing population and a limited land area. The two-year process involved more than 200 participants, including 30 citizens selected according to specific criteria. It was noted that citizens and experts worked together, resulting in more than 45 recommendations, several of which led to pilot projects. One notable project was aimed at transforming a heavily built-up area into a multifunctional, green space. The Klima-Biergerrot initiative, which involved 100 citizens and generated 56 recommendations, was also mentioned as having influenced Luxembourg's national climate plans. These experiences have prompted discussions about institutionalising citizen participation in future decision-making processes, with the aim of ensuring better representation in parliament and promoting sustainable development. The idea of creating a permanent citizens' committee remains a

priority, despite some political resistance. The essential role of youth movements in encouraging bold environmental decisions at both European and national level was also recognised.

Marion LORENTZ-GOTTARDI, representative of Klima-Biergerrot

In January 2022, the Prime Minister mandated the Luxembourg Citizens' Climate Assembly, the Klima-Biergerrot, with a central question: "Is Luxembourg able and ready to go further in the fight against climate change? And if so, how? The answer was a clear and determined: YES. After months of work, the Citizens' Assembly came up with 56 recommendations covering areas such as agriculture, energy, construction, waste management and mobility.

The evaluation carried out by the University of Luxembourg, as well as by experts such as Prof. Graham Smith of the University of Westminster, underlines the value of institutionalising the Klima-Biergerrot. The government's coalition programme also mentions the Klima-Biergerrot and plans similar projects in the future.

Despite the lack of implementation of the proposed measures, the project deserves to be pursued with the aim of creating a permanent Citizens' Assembly. There are several reasons for a permanent Citizens' Assembly: a stable structure, where members are regularly renewed; support for Parliament with solid, well-argued political recommendations; greater legitimacy for complex decisions on climate and environmental issues; a more participatory democracy and greater confidence in the democratic process.

The Klima-Biergerrot has proved its effectiveness. Institutionalising it would enable this dynamic to be sustained and provide real added value to political decisions on climate and the environment.





Natasha LEPAGE and **Frida THORSTEINSDOTTIR**, Climate Youth Delegates

A look back at our participation in COP29

For the first time, Luxembourg sent Youth Delegates to the United Nations Climate Change Conference (COP). These young people represented their country, bringing the collective concerns of Luxembourg's youth to the fore, in particular: the lack of involvement of young people in drawing up public policies, the inadequacy of climate education in schools, the urgency of the biodiversity crisis, in particular, the alarming degradation of the country's trees, etc.

The Youth Delegates stressed the interconnectedness of environmental crises and the need for global and integrated solutions. They emphasised the key role of climate education in bridging the gap between eco-anxiety and indifference and called for the voices of young people to be taken more fully into account in decision-making. They also stressed the importance of recognising the rights of future generations, especially as Luxembourg has recently incorporated the Convention on the Rights of the Child into its Constitution.

At the COP, Frida and Natasha worked on two distinct negotiating axes, defending ambitious climate commitments, the importance of sustainable finance, and financial support based on grants rather than loans. They also denounced the predominance of financial discussions to the detriment of climate justice at COP29, reiterating the need for a just transition that protects workers and vulnerable communities. Their presence reaffirmed the crucial role of young people in the climate debate and their ability to hold governments to account for their commitments.



Julien LEMMER VELOSO, President of Actionteam4future, Lycée Robert Schuman Luxembourg

School climate initiatives

Active at local and national level, it participates in initiatives such as the Klimapark advisory group and runs various projects with ActionTeam4Future, including fundraising for Ukrainian refugees, organising climate demonstrations and debates on the results of COP27, COP28 and COP29.

Julien stressed the importance of practical, project-based climate education, enabling young people to take ownership of the issues and become agents of change. He urged political decision-makers to take immediate and significant action to combat global warming.

CONCLUSIONS AND CALLS FOR ACTION

Anne-Sophie ROUX, an environmental activist, warned of the dangers of deep-sea mining, a little-known subject with potentially irreversible consequences for biodiversity, food security and climate stability. She called for a global moratorium on deep-sea mining, pointing out that 32 states, including many European countries, already support this initiative. She called on parliamentarians to act before July 2025, the date set for the submission of the first mining applications.

Alexandra SCHOOS, member of the Luxembourg delegation to PACE, stressed the importance of collective action to guarantee the right to a healthy environment. She stressed the need for the inclusive participation of young people, civil society and parliamentarians in the development of climate policies. The discussion also highlighted the need for a stronger legal framework to support environmental rights and climate justice.

