

CDDH(2020)05

29/10/2020

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

Draft terms of reference for the CDDH Drafting Group on Human Rights and Environment (CDDH-ENV)

(Proposals provided by the Bureau for examination by the CDDH
at its 93rd meeting, 14-16 December 2020)

Introduction

1. At its 92nd meeting (26-29 November 2019, CDDH(2019)R92), the CDDH decided to set up its Drafting Group on Human Rights and the Environment (CDDH-ENV) which will be responsible for the preparatory work to implement the following mandate given to the CDDH by the Ministers' Deputies:

"On the basis of developments in member States, within the Council of Europe and in other fora, to update the Handbook on Human Rights and the Environment and, if appropriate, to develop a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field" (deadline 31 December 2021).

2. On this occasion, the CDDH appointed Ms Kristine LIČIS (Latvia) Chair of the Drafting Group and decided to adopt the terms of reference of the CDDH-ENV and its composition at its 93rd meeting (14-16 December 2020).

3. The present document contains the draft terms of reference prepared by the Bureau. It takes into account the ***Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers*** (15 May 2020, see [Appendix](#) to this document) and suggests that, if possible, the Drafting Group provide the CDDH with food for thought for a reflection on whether there is a need for further work so that, once the Committee of Ministers' mandate for the current biennium has been fulfilled, work could be continued in this crucial area in 2022-2023.

**Draft terms of reference
for the CDDH Drafting Group
on Human Rights and Environment
(CDDH-ENV)**

(to the attention of the CDDH in view of its possible adoption
at its 93rd meeting, 14-16 December 2020)

The CDDH gives the following mandate to its Drafting Group on Human Rights and the Environment (CDDH-ENV):

"On the basis of developments in member States, within the Council of Europe and in other fora, and in the light, in particular, of the Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers (15 May 2020), the CDDH-ENV is instructed to:

- (i) Update the Manual on Human Rights and the Environment (deadline: 15 May 2021);
- (ii) in the light of the draft updated Manual, prepare a draft non-binding legal instrument on human rights and the environment (deadline: 31 October 2021);
- (iii) Consider 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".¹

¹ Cf. **recital 2** of the *Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers* (15 May 2020).

Appendix

CHAIRMANSHIP OF THE
COMMITTEE OF MINISTERS

Declarations

Decl(15/05/2020)

15 May / mai 2020

Joint Declaration on human rights and the environment by the outgoing and incoming Presidencies of the Committee of Ministers

The outgoing (Georgia) and incoming (Greece and Germany) presidencies of the Committee of Ministers of the Council of Europe,

1. Acknowledging the growing threats to the climate and the environment and the urgent need to act in an ambitious and concerted manner at the global level to better ensure their sustainability and protection;
2. Recalling 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; taking note in this regard of the *Manual on human rights and the environment – Principles emerging from the case-law of the European Court of Human Rights*, published by the Council of Europe in 2006/2012, which is now in the process of being updated;
3. Recalling furthermore the corresponding obligations under the European Social Charter, including the European Social Charter (revised) and the measures adopted for their implementation at the European and national level;
4. Underlining the Council of Europe's commitment to environmental protection which has also resulted in the elaboration of the 1979 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, ETS No. 104), the 1993 Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (ETS No. 150) and the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No. 172);
5. Recalling that the Parliamentary Assembly through its Recommendation 1431 (1999) on future action to be taken by the Council of Europe in the field of environment protection, its Recommendation 1614 (2003) on the environment and human rights and, finally, its Recommendation 1885 (2009) concerning the right to a healthy environment, has proposed adding an environmental component to the European Convention on Human Rights;
6. Acknowledging that the Georgian Presidency of the Committee of Ministers has identified human rights and environmental protection as one of its main priorities, and taking into account the outcome of the High-level Conference on Environmental Protection and Human Rights held in Strasbourg on 27 February 2020; noting that this year the World Forum for Democracy is devoted to democracy's contribution to saving the environment;

7. Bearing in mind that 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:

Resolves to consider further the potential of the Council of Europe instruments in this field and, as a first step, call on the Committee of Ministers to invite its Steering Committee for Human Rights (CDDH) to elaborate a draft non-binding instrument on human rights and the environment for the possible adoption by the Committee of Ministers at the latest by the end of next year.