

CDDH-ENV(2021)01

24/03/2021

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

DRAFTING GROUP ON HUMAN RIGHTS AND ENVIRONMENT
(CDDH-ENV)

Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-ENV during the 2020-2021 biennium and relevant extracts of the 103rd meeting report of the Bureau of the CDDH (19 May 2020) and of the 93rd CDDH meeting report (14–16 December 2020), including the thematic form to be used by the subordinated bodies of the CDDH for an analysis of the impact of its activity in terms of gender equality

Extracts of the meeting report of the 103rd meeting of the Bureau of the CDDH (19 May 2020), document CDDH-BU(2020)R103

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

9. The Chair of the drafting Group on Environment and Human Rights, Kristīne LĪCIS (Latvia) informed on her participation in the High-level Conference *Environmental protection and Human Rights* (Strasbourg, 27 February 2020).

10. The Bureau noted that the CDDH will be invited in November to adopt the terms of reference of its Drafting Group on Human Rights and the Environment (CDDH-ENV) and to appoint nine member States¹ entitled to participate in the work at the Organisation's expenses, understanding that any other member State is invited to participate on its own expenses.

11. The Bureau decided that, regarding the first task of the Group, namely the revision of the CDDH Manual on Human Rights and Environment, the CDDH members will be invited to : (i) check the good practices set out in Appendix IV of the document; (ii) provide further information on national practices in a few additional areas such as the [right to] environmental education and practices aimed at better protecting environmentalists/whistle-blowers and civil society more generally. Information should reach the Secretariat by 31 August 2020.

12. The Bureau took note of the Joint Declaration on Human Rights and the Environment by the outgoing and incoming Presidencies of the Committee of Ministers, adopted on 15 May 2020 (see Appendix VI). It noted that a draft non-binding instrument could be prepared for discussion during the forthcoming German Presidency of the Committee of Ministers. The Bureau decided to revert on this issue at its October meeting.

¹ The Chair of the drafting Group was appointed by the CDDH at its 92nd meeting (26-29 November 2019).

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

adopted on 15 May 2020 (document Decl(15/05/2020))

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

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;

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;

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;

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);

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;

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;

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.

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Extracts of the 93rd CDDH meeting report (14–16 December 2020), document CDDH(2020)R93

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

33. The Secretariat and the Chair of the Drafting Group on Environment and Human Rights (CDDH-ENV), Kristīne LĪCIS (Latvia) presented the draft terms of reference of the CDDH-ENV which took 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). The draft terms of reference as proposed by the Bureau included the following three tasks:
- (i) the updating of the Manual on Human Rights and the Environment,
 - (ii) the elaboration of a new instrument on human rights and the environment, and
 - (iii) consideration of 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.
34. Much interest was expressed in the work to be undertaken by the CDDH in this field considered to be very timely. The CDDH Rapporteur on gender equality, Mr Philippe WERY (Belgium) stressed in particular the need to take into account the gender aspect in the upcoming work. Several other delegations referred to the negative impact that environmental degradation had specifically on vulnerable groups which should also be taken into account in the Group's work.
35. The CDDH agreed with the three tasks included in the draft terms of reference of the CDDH-ENV. However, with regard to the second task the CDDH preferred to maintain the precise wording of the terms of reference given to the CDDH by the Committee of Ministers at the end of 2019 which referred to the elaboration of a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field (see [Appendix VI](#)).
36. In view of the great interest shown by member States in contributing to this work, the CDDH appointed ten member States² entitled to send experts to participate in the work of the CDDH-ENV at the Organisation's expenses, it being understood that any other member State is invited to send an expert to participate at its own expenses. The Secretariat noted that two meetings had been scheduled for the CDDH-ENV in 2021, the first in April and the second in September (see the provisional calendar appearing in [Appendix XIV](#)).
37. Furthermore, the CDDH was informed by the German delegation about the holding of a Seminar on the Environment, Human Rights and Business on the eve of the first meeting of the CDDH-ENV. This event is envisaged under the auspices of the German Chairmanship of

² The following ten member States were appointed to send an expert to participate in the CDDH-ENV at the expenses of the Council of Europe: Austria, Finland, France, Germany, Latvia (Chair), Poland, Romania, Russian Federation, Spain, Switzerland, Turkey. All other member state can participate to the meetings at their own expenses and on an equal basis with the above mentioned states. The Chair of the Drafting Group, Ms Kristine LICIS (Latvia) was appointed by the CDDH at its 92nd meeting (26-29 November 2019).

the Committee of Ministers in co-operation with the CDDH. In noting that cooperate responsibility plays an important role in this field, the CDDH emphasised that the outcome of the seminar should be taken into account in the work of the CDDH-ENV.

38. Finally, the CDDH welcomed the publication “Environmental Protection and Human Rights” which contains the proceedings of the High-level Conference on the Environmental Protection and Human Rights (Strasbourg, 27 February 2020) and the second edition of the Manual from 2012. This publication had already been distributed to the relevant bodies and in particular to the European Court of Human Right which had expressed its appreciation.

[...]

ITEM 11: GENDER EQUALITY

63. The CDDH is informed by its Rapporteur on gender equality, Mr Philippe WERY (Belgium) on the draft thematic form proposed to be used by the subordinated bodies of the CDDH (CDDH(2020)13). The CDDH decided to endorse this form and to invite all its subordinate groups to address its questions in the context of implementing their mandate.

Appendix VI

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

(adopted by the CDDH at its 93rd meeting, 14-16 December 2020)

The CDDH gives the following terms of reference to its Drafting Group on Human Rights and 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 instrument (e.g., recommendation; guidelines) 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".³

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³ 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).

Extract from document CDDH(2020)13

(which was endorsed by the CDDH at its 93rd meeting (14–16 December 2020))

Thematic form to be used by the subordinated bodies of the CDDH for an analysis of the impact of its activity in terms of gender equality

THEMATIC FORM ON GENDER EQUALITY

[...]

APPENDIX TO THE TERMS OF REFERENCE OF THE [WORKING GROUP...]

1. ANALYSIS BY THE [WORKING GROUP] OF THE IMPACT OF ITS ACTIVITY IN TERMS OF GENDER EQUALITY

The [Working Group] is called upon to consider the following questions during the implementation of its mandate in order to determine the extent to which its work includes a gender equality dimension or could have an impact on such equality:

Question 1

Does the work involve a particular group of people, directly or indirectly?

...

Question 2

What are the possible differences between the situation of women and men in the area concerned by the work (e.g. in terms of access to and control of resources¹, participation in governance or management structures, social position, social norms)?

...

Question 3

Do any of these differences limit the exercise of the fundamental rights of women or men?

...

Question 4

How can the work contribute to strengthening equality between women and men in terms of the exercise of fundamental rights?

...

Question 5

Do the activities of the [Working Group] allow for equal participation of women and men?

¹ Income, work, responsibilities, health, safety, education/knowledge, mobility, time, etc

2. INTEGRATION OR NOT OF THE GENDER EQUALITY DIMENSION

1. At the beginning of its work and based on the analysis in point 1., the [Working Group] :

a. envisages to take into account the gender equality dimension in its work by the following means:

b. considers that it is not relevant to take the gender equality dimension into account in its work for the following reasons: ...

2. At the end of its work, the [Working Group] is called upon to make a brief assessment if it has decided, at the beginning of its activity, to consider the gender equality dimension. In this assessment, it could indicate that the gender equality dimension has been considered in the following way during its work: ...