

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

First meeting, by videoconference
28 – 30 April 2021

Item 1: Welcome and opening of the meeting

1. The Drafting Group on Human Rights and Environment (CDDH-ENV) held its first meeting from 28 to 30 April 2021. Due to the COVID-19 pandemic, the meeting was held via videoconference. The list of participants is contained in Appendix I.
2. The Chair, Ms Kristine LĪCIS (Latvia), opened the meeting by wishing everyone welcome. She recalled the mandate of the Group as reflected in the proposed agenda for the meeting. She also referred to the interesting and rich Workshop held the day before, on 27 April, which was entitled “Environment, Human Rights and Business: A framework for addressing environmental protection challenges”. The event was organised by the Steering Committee on Human Rights (CDDH) under the aegis of the German Presidency of the Committee of Ministers.
3. In his capacity as Secretary of the CDDH, Mr Alfonso DE SALAS, Head of Division, Human Rights intergovernmental co-operation, informed the Group of the expected follow-up to be given to the CDDH-ENV’s work by the Steering Committee.
4. The draft agenda was subsequently adopted, as it appears in Appendix II, with the addition of an item on the election of a Vice Chair, since this was the Group’s first meeting.

Item 2: Election of the Vice Chair

5. The Group elected Ms Nicola WENZEL (Germany) as Vice Chair of the CDDH-ENV and thanked her for her readiness to take on this role.

Item 3: Updating of the Manual on Human Rights and the Environment

6. The Group first made general remarks on the preliminary text of the updated Manual on Human Rights and the Environment. An interest was expressed to have the Manual updated at regular intervals in the light of the developments in the case law of the European Court of Human Rights and the conclusions and decisions by the European Committee on Social Rights. It was also proposed to make available an online version of the Manual.
7. The Group then proceeded with an examination of the preliminary text paragraph by paragraph during which a number of changes were made. Subsequently a second reading of the revised text was held focusing on the amendments made during the first reading.
8. The Group agreed to give its members the possibility until **21 May 2021** to comment on the revised text of the updated Manual as it appears in the Addendum. The Chair and the Secretariat will consider the comments received in the mailbox DGI-CDDH@coe.int, whereafter a clean version of the updated draft Manual will be transmitted to the CDDH for examination and possible adoption at its meeting on 16-18 June.

Item 4: Elaboration of a non-binding instrument (e.g., recommendation; guidelines) on human rights and the environment

9. The Group first held a general discussion on the elaboration of a non-binding instrument during which the members expressed their views on the possible format of such instrument as well as its scope. Some members were in favour of the elaboration of a recommendation, following the example of Recommendation CM/Rec(2016)3 on Human Rights and Business. However other members did not wish to exclude the format of guidelines for an instrument on such a matter, therefore the Group decided to leave the

question open as the format of the instrument will also depend on the content of the instrument. It was nevertheless agreed that such a new instrument should provide added value and go further than the updated Manual.

10. The Group proceeded with a discussion on the appropriate structure for the new instrument. It felt that structure, which appears in the working document CDDH-ENV(2021)03, which follows that of the Manual, would need to be reconsidered. Some members were in favour of basing the structure on the substantive content of the principles rather than on their origin/source. This would mean, *inter alia*, reflecting the principles emerging from the caselaw of the European Court of Human Rights and those emerging from the conclusions and decisions of the European Committee on Social Rights in one single section, while others were in favour of keeping them apart as some member states were not yet bound by all provisions of the European Social Charter or the revised Charter.

11. Some members were cautious as to the inclusion of relevant general principles relating to international environmental law. Other members, however, supported the inclusion of these existing general principles, such as the need for international cooperation in this field, and suggested giving education and awareness, the role of other actors (e.g., businesses) and the interest of future generations a more prominent place within the instrument. Another member suggested that the role of civil society might be broadened to also include faith-based organisations. Several members supported the suggestion to include additional proposals on the rights of the child, the rights of older persons and the rights of persons with disabilities in environmental matters. Another member felt it was important to stress the right to access to justice and other remedies in environmental matters. The Group invited the CDDH to give guidance to the Group on the appropriateness of including the mentioned issues in a new instrument.

12. It was however felt premature to proceed with a closer examination of the drafting proposals presented in the preliminary draft instrument contained in document CDDH-ENV(2021)03 as the members had not had sufficient time to consult with the bodies concerned within their countries. It was thus agreed to give the members the possibility to submit written comments on the drafting proposals which would be taken into account by the Secretariat, under the supervision of the Chairperson, with a view to preparing a revised version of the text before its next meeting on 8-10 September 2021. The Secretariat would send the members a version of the drafting proposals without footnotes and without the boxes indicating the relevant text in the Manual. The members were invited to submit their comments to the mailbox DGI-CDDH@coe.int by **21 May 2021**.

Item 5: Gender equality

13. The Group proceeded with an analysis of the impact on its work in terms of gender equality by using the thematic form which had been suggested by the CDDH.

14. With regard to its work on updating Manual, the Group considered this work to be the continuation of an activity already defined and the need for an analysis was thus not relevant.

15. However, with regard to the elaboration of a non-binding instrument, the Group envisaged to take into account the gender equality dimension in its work. An analysis in this respect would be continued at its next meeting in September when it would embark further on the drafting of a new instrument.

16. With regard to its consideration of whether there was a need for further work on human rights and the environment it was premature at this stage to proceed with an analysis of the gender impact.

Item 6: Consideration of the need for further work on Human Right and Environment

17. The Group noted various options for possible further work in this area based on the outcome and suggestions made during the High-Level Conference on “Environmental Protection and Human Rights” organised under the aegis of the Georgian Presidency of the Committee of Ministers of the Council of Europe on 27 February 2020 in Strasbourg (see list of options in the background document (CDDH-ENV(2021)04, paras. 121- 157). The options include, *inter alia*:

- consideration of the need for new binding instrument, either in the form of an Additional Protocol to the European Convention on Human Rights, an Additional Protocol under the European Social Charter, or an independent instrument which could take the form of an enlarged partial agreement enabling those states which wished to move ahead, to do so while allowing other states to join later.
- enhancing the implementation of existing standards e.g. by a Committee of Ministers’ declaration
- a Council of Europe Strategy on Environment and Human Rights

18. It was noted that the above list of options was not exhaustive and did not exclude other options to be considered as well.

19. During the discussion that followed it was also mentioned that such consideration of the need for further work should not exclude the conclusion that there was no need for further work in this area. Another participant emphasized the importance for lawyers to have a binding instrument in the event of bringing environmental cases to court. He particularly noted the transboundary nature of environmental harm and the legal difficulties that arise in this regard with respect to the principle of territoriality.

20. Several members expressed difficulties in considering the need for further work at such an early stage of the CDDH-ENV’s work when the Group was about to embarked on the drafting of a non-binding instrument. Thus such consideration should be continued at its next meeting in September.

21. For the Group’s further consideration of this matter it was finally suggested to also bear in mind the comments and suggestions made during the online Workshop “Environment, Human Rights and Business: a framework for addressing environmental protection challenges” organised on 27 April 2021.

Item 7: Other business

22. The next meeting of the CDDH-ENV is preliminarily scheduled to take place from 8 to 10 September 2021.

Item 8: Approval of the meeting report

23. The Group amended and subsequently approved the text of the meeting report prepared by the Secretariat and the Chair.

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Appendix I**List of participants****MEMBERS / MEMBRES**

AUSTRIA / AUTRICHE	Ms Brigitte OHMS Deputy Government Agent, Division for International Affairs and General Administrative Affairs (dpt. V 5), Federal Ministry for Constitutional Affairs, Reforms, Deregulation and Justice, Constitutional Service
BELGIUM / BELGIQUE	Ms Leen CHANET Legal and policy officer International Policy, Government of Flanders Department of Environment & Spatial Development
BOSNIA AND HERZEGOVINA / BOSNIE HERZÉGOVINE	Mr Mirza HUJIC Assistant Minister, Sector for Water Resources, Tourism and Environment Protection, Ministry of Foreign Trade and Economic Relations
CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE	Ms Jana MARTINKOVÁ Ministere de la Justice, Departement de l'Agent du Gouvernement devant la Cour européenne des Droits de l'Homme
FINLAND / FINLANDE	Ms Katja FOKIN Legal Officer, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs, P.O. Box 176, 00023 Government
FRANCE	M. Benoît CHAMOULARD Sous-directeur des droits de l'Homme, Direction des affaires juridiques – Ministère de l'Europe et des Affaires étrangères
GEORGIA / GÉORGIE	Ms Nino LATSABIDZE Deputy head of the International Relations and European Integration Department, Ministry of Environmental Protection and Agriculture
GERMANY / ALLEMAGNE	Ms Nicola WENZEL Government Agent before the ECtHR, Head of the Human Rights Unit, Federal Ministry of Justice and Consumer Protection Mr Malek RADEIDEH Legal Advisor, Human Rights Unit, Federal Ministry of Justice and Consumer Protection
LATVIA / LETTONIE (Chair)	Ms Kristine LICIS Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs
NORWAY / NORVÈGE	Ms Beate BERGLUND EKEBERG Specialist Director, Ministry of Climate and Environment Mr Morten RUUD Special Adviser, Ministry of Justice and Public Security Ms Maria EDVARDSEN Senior Adviser, Ministry of Justice and Public Security

	Mr Isa RAMA Adviser, Ministry of Justice and Public Security
POLAND / POLOGNE	Mrs Agnieszka KOZIŃSKA-MAKOWSKA Head of Division for Civil and Administrative Proceedings Legal and Treaty Department, Ministry of Foreign Affairs
ROMANIA / ROUMANIE	Mr Felix ZAHARIA Deputy Director General / Directeur général adjoint
RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE	
SPAIN / ESPAGNE	Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL Agent for the Kingdom of Spain before the European Court of Human Rights, Head of the Area of Human Rights of the Constitutional & Human Rights Department, Ministry of Justice Mr Luis E. VACAS CHALFOUN. Co-Agent for the Kingdom of Spain before the European Court of Human Rights, State Attorney of the Area of Human Rights of the Constitutional & Human Rights Department, Ministry of Justice
SWITZERLAND / SUISSE	M^{me} Maya BEELER-SIGRON Juriste, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction Droit public, Unité Protection internationale des droits de l'homme M^{me} Sophie HEEGAARD-SCHROETER Avocate, Département fédéral des affaires étrangères, Direction du droit international public, Section droits de l'homme internationaux
TURKEY / TURQUIE	Mr Murat KARACA Juge rapporteur, Ministère de la Justice Mme Ayşen EMÜLER Experte juridique, Représentation Permanente de Turquie auprès du Conseil de l'Europe, Strasbourg Mr Ahmet METİN GÖKLER Legal counselor, Représentation Permanente de Turquie auprès du Conseil de l'Europe, Strasbourg
UNITED KINGDOM / ROYAUME-UNI	Ms Sarah MACRORY Ms Susan DICKSON , Legal Counsellor, FCDO Ms Eva HUEHNE , Lawyer, DEFRA Ms Elizabeth MORROW , Lawyer, DEFRA Mr Robert FITZPATRICK , Policy Officer, FCDO Mr Sandip RAMA , Policy Officer, FCDO Ms Georgina HARMSWORTH , Policy Officer, FCDO Ms Megan SMITH , Policy Officer, FCDO

PARTICIPANTS / PARTICIPANTS

COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE / CONSEIL DES BARREAUX EUROPÉENS (CCBE)	Mr Stefan VON RAUMER Chair of the CCBE Human Rights Committee
ADVISORY COUNCIL ON YOUTH / CONSEIL CONSULTATIF SUR LA JEUNESSE (CCJ) Youth Department, Directorate of Democratic Participation Council of Europe - Conseil de l'Europe	Ms Pegah MOULANA Ms Zuzana PAVELKOVA
DIRECTORATE OF EXTERNAL RELATIONS / DIRECTION DES RELATIONS EXTÉRIEURES Brussels Office / Bureau de Bruxelles	Mr Humbert De BIOLLEY Deputy Head of Office / Chef du Bureau adjoint Ms Gisella GORI Program Advisor Mr Lars NYCTELIUS Information Officer
EUROPEAN UNION/ UNION EUROPEENNE	Ms Louise MORLON Trainee, Political Affairs, Press and Information, Strasbourg
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) / HAUT COMMISSARIAT DES NATIONS UNIES POUR LES DROITS DE L'HOMME	Ms Amanda KRON Associate Expert, Climate Change and Environment Team, Office of the United Nations High Commissioner for Human Rights (OHCHR)

OBSERVERS / OBSERVATEURS

MEXICO / MEXIQUE	M^{me} Camila ZEPEDA LIZAMA Directrice Générale de Thèmes Globaux au Ministère d'Affaires Etrangères du Mexique / Director General for Global Affairs M. Cristopher BALLINAS VALDES Directeur Général des Droits de l'Hommes et la Démocratie au Ministère d'Affaires Etrangères du Mexique / Director General for Human Rights and Democracy / Mexico Secretariat of Foreign Affair M^{me} Lorena ALVARADO QUEZADA Adjointe à l'Observateur Permanent du Mexique auprès du Conseil de l'Europe
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HOLY SEE / SAINT-SIÈGE	M^{me} Christine JEANGÉY Official of the Dicastery for Promoting Integral Human Development
EUROPEAN TRADE UNION CONFEDERATION (ETUC) / CONFEDERATION EUROPEENNE DES SYNDICATS (CES)	Mr Stefan CLAUWAERT Senior Legal and Human Rights Advisor, ETUC Representative in the European Social Charter Governmental Committee
EUROPEAN NETWORK OF NATIONAL HR INSTITUTIONS/ RÉSEAU EUROPÉEN DES INSTITUTIONS NATIONALES DES DH	Ms Zara GRANT Communications and Public Affairs Officer

CONSULTANTS / CONSULTANTS

	Ms Juliette RIERINK Utrecht, The Netherlands
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SECRETARIAT / SECRETARIAT

Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme	<p>Mr Alfonso DE SALAS Head of Division / Chef de Division, Secretary of the CDDH / Secrétaire du CDDH</p> <p>Ms Merete BJERREGAARD Administrator / Administrateur, Secretary of the Drafting Group on Human Rights and Environment / Secrétaire du Groupe de rédaction sur les droits de l'homme et l'environnement (CDDH-ENV)</p> <p>M^{me} Corinne GAVRILOVIC Assistant / Assistante</p> <p>Ms Nektaria PAPADAKI Trainee</p>
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INTERPRETERS / INTERPRÈTES

M ^{me} Pascale MICHLIN	
M. Didier JUNGLING	

Appendix II

Agenda (as adopted)

Draft Order of Business

Wednesday

10:00 a.m. Opening, adoption of the agenda
 10:30 a.m. Revised manual, general discussion
 11:00 a.m. Revised manual, first reading
 12:30 a.m. Break
 2:00 p.m. Cont. Revised manual - first reading
 4:30 p.m. End of first day

Thursday

10:00 a.m. Presentation of working documents. Proposals new instrument - general discussion
 11:00 a.m. Proposals new instrument - first reading
 12:30 a.m. Break
 2:00 p.m. Cont. Proposals new instrument - first reading
 3:30 p.m. Analysis - gender equality impact
 4:30 p.m. End of second day

Friday

10:00 a.m. Consideration of need for further work in this area
 11:30 a.m. Revised manual - second reading
 12:30 a.m. Break
 2:00 p.m. Proposals new instrument - second reading
 3:30 p.m. Any other issue
 3:45 p.m. Approval meeting report
 4:30 p.m. End of third day

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

Drafting Group on HUMAN RIGHTS AND ENVIRONMENT (CDDH-ENV)

Draft Agenda of the first meeting¹

Strasbourg, Wednesday 28 April (10:00 am) – Friday 30 April 2021(4:30 pm)

(Due to the COVID-19 situation, the meeting will be held through the KUDO videoconferencing system)

- 1. Opening of the meeting and adoption of the agenda**
- 2. Election of a Vice Chair**
- 3. Updating of the Manual on Human Rights and the Environment**
- 4. Elaboration of a non-binding instrument (e.g., recommendation; guidelines) on human rights and the environment**
- 5. Analysis of the impact of the present activity in terms of gender equality**
- 6. Consideration of the need for further work on human rights and environment**
- 7. Any other issue**
- 8. Approval of the meeting report**

¹ The meeting was preceded, on 27 April, by a *Workshop on Environment, Human Rights and Business: A framework for addressing environmental protection challenges*, organised by the CDDH under the aegis of the German Presidency of the Committee of Ministers

Working documents:

Preliminary text of the draft Manual on Human Rights and the Environment (3rd edition) [CDDH-ENV\(2021\)02](#)

Preliminary text for the elaboration of a draft non-binding instrument (e.g., recommendation; guidelines) on human rights and the environment [CDDH-ENV\(2021\)03](#)

Reference documents:

Terms of reference of the CDDH-ENV during the 2020-2021 biennium, including the thematic form on gender equality [CDDH-ENV\(2021\)01](#)

Contribution by Mr Giuseppe PALMISANO, former President of the European Committee of Social Rights [CDDH-ENV \(2021\)05](#)

“The European Social Charter system and the protection of the environment: potential and future prospects”

Compilation of contributions received from member states and participants in the CDDH meetings [CDDH-ENV\(2021\)06](#)

Legal survey on human rights and the environment (CDDH-ENV)
Prepared by Ms Juliëtte RIERINK, Consultant, Utrecht, The Netherlands [CDDH-ENV\(2021\)04](#)
