

STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

DRAFTING GROUP ON HUMAN RIGHTS AND ENVIRONMENT

(CDDH-ENV)

MEETING REPORT

4th meeting (hybrid format)

6 – 8 April 2022

Items 1 and 2: Opening of the meeting and adoption of the agenda

1. The Drafting Group on Human Rights and Environment (CDDH-ENV) held its fourth meeting from 6 to 8 April 2022 in a hybrid format. The list of participants is contained in Appendix I.
2. The Chair, Ms Kristine LĪCIS (Latvia), opened the meeting from Strasbourg and welcomed the participants. She was glad that the Group members this time had the option of attending the meeting in person.
3. The draft agenda was adopted, as it appears in Appendix II.

Item 3: Elaboration of a draft recommendation on human rights and the environment

4. The Group examined the revised draft recommendation, as set out in document CDDH-ENV(2022)02REV3, paragraph by paragraph. It adopted the draft recommendation, as amended, as it appears in the addendum to the report (CDDH-ENV(2022)R4 Addendum).
5. Due to lack of time, the Group was unable to agree on a late proposal to add to the preamble a reference to the environmental harm caused by armed conflicts.
6. The Group asked the Secretariat, in consultation with the Chair, to revise the footnotes, removing them from the preamble and the operative provisions, and elsewhere referring to source texts without quoting their content. The draft recommendation should then be transmitted to the CDDH for examination and possible adoption at its 96th meeting (14 – 17 June 2022), and subsequent transmission to the Committee of Ministers.

Item 4: Analysis of the impact of the present activity in terms of gender equality

7. The Group considered the gender equality impact of its current activity – the elaboration of the draft recommendation – by reference to the thematic form. Throughout the drafting process, the Group had paid attention to the integration of the gender equality aspect. The draft recommendation specifically emphasised the vital role of women in environmental and sustainable development matters and, in this respect, the need to promote gender equality and the empowerment of women. The draft recommendation also expressed grave concern about the disproportionate effect environmental degradation may have on the rights of those who are in vulnerable situations, which includes women and girls. On this basis, the Group noted that the gender equality dimension was explicitly addressed both in paragraphs [14] and [17] of the Preamble, principles 3 and 4 in the Appendix, and paragraphs 21, 25 and 37 of the Explanatory Report.

Item 5: Preparation of the 5th meeting (autumn 2022)

8. The Group examined the proposals submitted by its members and observers for independent outside experts to be invited to participate in its fifth meeting (autumn 2022), at which it would begin its consideration of the need for and feasibility of a further instrument or instruments in the field of human rights and the environment. It agreed to invite the following experts: Professor Helen KELLER, Ms Elisabeth LAMBERT, Mr Sébastien DUYCK, Mr John KNOX, and Ms Lea RAIBLE. It also agreed to invite the Parliamentary Assembly and the European Committee on Social Rights, as participants in the Group's work, to consider asking Mr Simon MOUTQUIN and Mr Giuseppe PALMISANO respectively to participate as their representatives at the next meeting.

9. The Group agreed to devote two full days to its exchanges with these experts. In a first session, it would examine more general issues, with presentations by Mr Duyck, Mr Knox, and Ms Raible; in a second session, it would examine issues more directly related to the European Convention on Human Rights and the European Social Charter, with presentations by Professor Keller, Ms Lambert, and representatives of the Parliamentary Assembly and the European Committee for Social Rights. The Group asked its Chairperson to determine the exact structure of the two days, depending on the availability of the experts.

10. Further to the guidance given by the CDDH at its 95th meeting, the Group agreed to invite these experts to focus their presentations on the legal framework relating to human rights and the environment and the status and enforcement of existing standards, the best ways to fill any eventual gaps, and the possible impact of any additional instrument(s), including on the workload of the European Court of Human Rights and the European Committee of Social Rights. The Group considered that it would also be useful (i) to receive information on how environmental aspects of human rights law related to environmental law, (ii) to examine questions concerning the implementation of any new human right relating to the environment, and (iii) to hear arguments both for and against elaborating any additional instruments. In the light of the discussions with the experts at the next meeting, the Group will appoint a rapporteur for further work, to whom it would give preliminary guidance with a view to preparing a document for examination at the following meeting. Members were invited to consider presenting their candidature as rapporteur.

11. The Group took note that the dates of its next meeting would be fixed by the CDDH at its 96th meeting and promptly communicated to members of the Group by the Secretariat.

Item 6: Other business

12. The Group recalled that the CDDH had previously decided that the expenses of the representative of the Russian Federation in the Group's meetings would be reimbursed by the Council of Europe. As the Russian Federation was no longer a member of the Council of Europe, this decision was no longer valid. The Group noted that the CDDH would therefore be invited to designate another State whose expenses could be reimbursed in future.

Item 7: Approval of the meeting report

13. The Group approved the present meeting report.

* * *

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

AUSTRIA / AUTRICHE	Ms Brigitte OHMS Deputy Government Agent, Division for European and International Law, Human Rights Protection (dpt. V/7), Federal Chancellery
AZERBAIJAN / AZERBAÏDJAN	Mr Elnur ALIYEV Lead consultant of the Human Rights Division, Department for Work with Law Enforcement Bodies, Administration of President of the Republic of Azerbaijan
ARMENIA / ARMÉNIE	M^{me} Karine VARDANYAN Attaché de la Division des Traités Multilatéraux, Département des Traités et du Droit International, Ministère des Affaires Etrangères de la République d'Arménie.
BELGIUM / BELGIQUE	Ms Leen CHANET Legal and policy officer International Policy, Government of Flanders Department of Environment & Spatial Development
FINLAND / FINLANDE	Mr Tuomas KAIVOLA Legal Officer, Unit for Human Rights Courts and Conventions Legal Service, Ministry for Foreign Affairs
FRANCE	M^{me} Charlotte BLONDEL Consultante juridique (Legal Officer) à la sous-direction des droits de l'Homme de la Direction des affaires juridiques, Ministère de l'Europe et des affaires étrangères M. Pierre-Louis LEFEVER Chef de Bureau, Ministère de la transition écologique
GEORGIA / GÉORGIE	Ms Nino LATSABIDZE Deputy head of the International Relations and European Integration Department, Ministry of Environmental Protection and Agriculture of Georgia
GERMANY / ALLEMAGNE	Ms Nicola WENZEL Government Agent before the ECtHR, Head of the Human Rights Unit, Federal Ministry of Justice Mr Malek RADEIDEH Legal Advisor, Human Rights Unit, Federal Ministry of Justice
LATVIA / LETTONIE (Chair)	Ms Kristine LĪCIS Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs
NETHERLANDS / PAYS-BAS	Ms Floris TAN Legal officer, Ministry of Foreign Affairs Ms Michelle DUIN Legal officer, Ministry of Foreign Affairs
NORWAY / NORVÈGE	Ms Beate BERGLUND EKEBERG Specialist Director, Ministry of Climate and Environment

	<p>Mr Andreas GAHR BRUNSVIG Adviser, Ministry of Climate and Environment</p> <p>Ms Helle Aase FALKENBERG Legal Adviser, Ministry of Justice and Public Security</p>
POLAND / POLOGNE	<p>Ms Agnieszka KOZIŃSKA-MAKOWSKA Head of Division for Civil and Administrative Proceedings, Legal and Treaty Department, Ministry of Foreign Affairs</p> <p>Ms Agata ROGALSKI- PIECHOTA Co-Agent of the Government of Poland in cases and proceedings before the European Court of Human Rights, Head of Criminal Proceedings Section, Legal and Treaty Department, Ministry of Foreign Affairs</p>
SPAIN / ESPAGNE	<p>Mr Luis VACAS CHALFOUN Co-Agente del Reino de España ante el Tribunal Europeo de Derechos Humanos, Abogado del Estado–Adjunto del Área de Derechos Humanos, Subdirección General de Constitucional y Derechos Humanos, Abogacía General del Estado-Ministerio de Justicia</p>
SWITZERLAND / SUISSE	<p>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</p> <p>M^{me} Sophie HEEGAARD-SCHROETER Avocate, Département fédéral des affaires étrangères, Direction du droit international public, Section droits de l'homme internationaux</p>
TURKEY / TURQUIE	<p>Mr Murat KARACA Rapporteur Judge, Department of Human Rights, Ministry of Justice</p> <p>Mr Ahmet METİN GÖKLER Legal counselor, Représentation Permanente de Turquie auprès du Conseil de l'Europe, Strasbourg</p> <p>Ms. Hilal KOÇALI Deputy to the Permanent Representative (legal matters), Représentation Permanente de Turquie auprès du Conseil de l'Europe, Strasbourg</p> <p>Ms. Gülriz Çınar BERKIN Climate change expert, Ministry of Environment, Urbanization and Climate Change</p> <p>Mr. Aydın Erhan DURMAZ Climate change expert, Ministry of Environment, Urbanization and Climate Change</p> <p>Ms Özlem AKSOY Biologist, Ministry of Environment, Urbanisation, and Climate Change</p>
UNITED KINGDOM / ROYAUME-UNI	<p>Ms Fatima KHOEI Policy Advisor, Environment and Human Rights Policy Advisor, Environmental Governance Team, Natural Environment, Trees and Landscape Directorate, Department for Environment, Food and Rural Affairs</p> <p>Ms Nicole MOHAMMED Legal adviser, Environment and Human Rights Policy Advisor, Environmental Governance Team, Natural Environment, Trees and Landscape Directorate, Department for Environment, Food and Rural Affairs</p>

PARTICIPANTS / PARTICIPANTS

PARLIAMENTARY ASSEMBLY / ASSEMBLEE PARLEMENTAIRE	<p>Mr Guillaume PARENT PACE committee on social affairs, health, and sustainable development, Responsible for the new network of contact parliamentarians on the right to a healthy environment</p> <p>M. Simon MOUTQUIN Membre de l'Assemblée des Parlementaires du Conseil de l'Europe, Rapporteur du texte « Ancrer le droit à un environnement sain »</p>
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) / HAUT COMMISSARIAT DES NATIONS UNIES POUR LES DROITS DE L'HOMME	<p>Ms Amanda KRON Associate Expert, UN Office of the High Commissioner for Human Rights and climate change team</p>
CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE / CONFÉRENCE DES ONG DU CONSEIL DE L'EUROPE	<p>Ms Amy JACOBSEN International Legal Counsel, GREENPEACE</p>
EUROPEAN UNION / UNION EUROPÉENNE	<p>Ms Hanne KRISTOFFERSEN Human Rights Officer, Human Rights Division, European External Action Service (EEAS)</p>

OBSERVERS / OBSERVATEURS

INTERNATIONAL COMMISSION OF JURISTS (ICJ) / COMMISSION INTERNATIONALE DE JURISTES (CIJ)	<p>Mr Massimo FRIGO UN Representative & Senior Legal Adviser</p>
HOLY SEE / SAINT-SIÈGE	<p>M^{me} Christine JEANGÉY Officiel du Dicastère pour le Service du développement intégral humain du Vatican</p>
JAPAN / JAPON	<p>Mr Hirano TETSUSHI Chargé de mission</p>

SECRETARIAT / SECRETARIAT

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

INTERPRETERS / INTERPRÈTES

Ms Clarissa WORSDALE
M^{me} Isabelle MARCHINI

Appendix II**Agenda (as adopted)**

1. Opening of the meeting and adoption of the agenda
2. Address by Mr David MILNER, Secretary of the CDDH, Head of the Human Rights Intergovernmental Co-operation Division, DGI: Directorate General Human Rights and Rule of Law
3. Elaboration of a draft recommendation on human rights and the environment
4. Analysis of the impact of the present activity in terms of gender equality
5. Exchange of views on future work - Selection of independent outside experts to participate in the fifth meeting (autumn 2022)
6. Other business
7. Approval of the meeting report

Working documents:

Preliminary draft Recommendation on human rights and the environment with Secretariat proposals for revision based on the latest comments received	CDDH-ENV(2022)02REV3
Exchange of views on future work – Preliminary elements prepared by the Secretariat	CDDH-ENV(2022)04
Proposals for independent outside experts to be invited to participate in the fifth meeting (autumn 2022)	CDDH-ENV(2022)05

Reference documents:

Preliminary draft Recommendation on human rights and the environment, as revised following the 3 rd meeting, including the latest comments received	CDDH-ENV(2022)02REV2
Meeting report of the 3 rd meeting of the CDDH-ENV	CDDH-ENV(2022)R3
Reference texts for the work of the CDDH-ENV: terms of reference for 2022-2025, extracts of the report of the 95 th CDDH meeting (Strasbourg, 23-26 November 2021)	CDDH-ENV(2022)01
Thematic form on gender equality - Preliminary elements prepared by the Secretariat	CDDH(2020)13
Legal survey on existing principles and standards to be used as a background document by the Drafting Group on Human Rights and Environment (CDDH-ENV), prepared by Juliëtte RIERINK (LL.M.), Human Rights Research Consultant	CDDH-ENV(2021)04Rev1
Workshop “Environment, Human Rights and Business: A framework for addressing environmental protection challenges” (27 April 2021), <i>organised by the Steering Committee for Human Rights under the German Chairmanship of the Committee of Ministers</i> - Notes prepared the Secretariat of the workshop	CDDH-ENV(2021)11

[PACE Recommendation 2211 \(2021\)](#) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”

Decision concerning Recommendation 2211 (2021) – “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”

1416th meeting, 3 November 2021

Item 3.1 - 4th part of the 2021 Session (Strasbourg, 27-30 September 2021)

[\(CM/Del/Dec\(2021\)1416/3.1\)](#)

Resolution adopted by the Human Rights Council on 8 October 2021
“The **human right to a clean, healthy and sustainable environment**”
[\(A/HRC/RES/48/13\)](#)
