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STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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

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**Extract of the terms of reference given by the Committee of Ministers to the  
CDDH regarding the work of the CDDH-ENV during the 2022 – 2025  
biennium and relevant extracts of the 95th CDDH meeting report  
(23 – 26 November 2021) and 96th meeting report (14 – 17 June 2022)**

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

*(adopted by the CDDH at its 93<sup>rd</sup> 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".<sup>1</sup>

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**Extract of the decisions taken at the 1416<sup>th</sup> meeting of the Ministers'  
Deputies, 3 November 2021**

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

- b. invited the CDDH, in the context of its ongoing work on human rights and the environment to consider the need for and feasibility of a further instrument or instruments, bearing in mind Recommendation 2211 (2021);

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<sup>1</sup> 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).

## Extracts of the 95th CDDH meeting report (23 – 26 November 2021), document CDDH(2021)R95

### ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

1. The Chair of the Drafting Group on Human Rights and Environment (CDDH-ENV), Ms Kristīne LĪCIS (Latvia), reported to the CDDH on the progress of work carried out during the second meeting of the Drafting Group (3 – 5 November 2021).

2. Ms Līcis recalled two important developments that had occurred since the Group's first meeting, namely the adoption by the United Nations Human Rights Council, on 8 October 2021, of Resolution 48/13 on "The human right to a clean, healthy and sustainable environment", and the adoption by the Parliamentary Assembly of the Council of Europe (PACE), at its 4<sup>th</sup> part of the 2021 Session (Strasbourg, 27 – 30 September 2021), of a number of texts concerning the environment and climate change. These developments would have an impact on the Group's ongoing and further work.

3. The CDDH-ENV had during its second meeting focused mainly on the revision of the preliminary text of the draft non-binding instrument on human rights and the environment, with a view to its adoption by the CDDH at its next meeting in June 2022.

4. The CDDH agreed that the most appropriate form for this non-binding instrument would be a recommendation. As to the content of the draft recommendation, the CDDH invited delegations and participants to submit comments by 22 December 2021 (to be addressed to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)), to be taken into account by the Drafting Group at its next meeting on 26 – 28 January 2022.

5. The CDDH also exchanged views on the need for the elaboration of an explanatory memorandum to the draft recommendation. The CDDH agreed that the extensive list of relevant sources which appeared as endnotes in the revised draft text would provide valuable subsidiary guidance to member States, and recalled that the updated Manual on human rights and the environment, adopted by the CDDH at its 94<sup>th</sup> meeting (15 – 18 June 2021), was an additional source of valuable information.

6. The CDDH then exchanged views on the future work of the CDDH-ENV, further to the decision taken by the Ministers' Deputies at their 1416<sup>th</sup> meeting (3 November 2021) concerning Parliamentary Assembly Resolution 2211(2021). It agreed that any consideration of further work should be based on a detailed analysis that would identify eventual gaps in the legal framework or enforcement, the best ways to fill 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. Several delegations considered that the declaration presented by ENNHRI at the Drafting Group meeting provided valuable elements for further work. It was recalled that the United Nations had focused on the link between human rights and the environment during the past 10 years, with the Special Rapporteur on Human Rights and the Environment having conducted substantive work of relevance for the work of the CDDH-ENV.

7. The Secretariat informed the CDDH that the Committee of Ministers, on 10 February 2022, would hold an exchange of views on human rights questions with experts from capitals. This would include a thematic discussion on the issue of 'human rights and the environment', to be introduced by the Council of Europe Deputy Secretary General, Mr Björn Berge, and the UN Special Rapporteur on human rights and the environment, Mr David R. Boyd. This discussion was likely to provide further impetus for future work of the CDDH in this field.

8. The CDDH thanked the CDDH-ENV Chair and the Drafting Group members for the excellent work accomplished so far.

9. Finally, the Secretariat informed the CDDH of the imminent publication of the updated Manual on Human Rights and the Environment (3<sup>rd</sup> edition), which was expected in January 2022.

## **Extracts of the 96th CDDH meeting report (14 – 17 June 2022), document CDDH(2022)R96**

### **ITEM 4: ENVIRONMENT AND HUMAN RIGHTS**

1. The Chairperson of the Drafting Group on Human Rights and Environment (CDDH-ENV), Ms Kristīne LĪCIS (Latvia), reported to the CDDH on the progress of work carried out during the fourth meeting of the Drafting Group (6-8 April 2022).

2. Following in-depth examination of certain of its provisions, notably operative paragraph 1 dealing with recognition of a right to a clean, healthy and sustainable environment, the CDDH amended and adopted the draft Recommendation of the Committee of Ministers to member States on human rights and the protection of the environment (see Addendum 4 to the present meeting report) and decided to transmit it to the Committee of Ministers for possible adoption.

3. The CDDH then exchanged views on the future work of the Drafting Group on human rights and the environment (CDDH-ENV) concerning the need for and feasibility of a further instrument or instruments in this field. The CDDH-ENV Chairperson explained that during its fifth meeting in the autumn, the Group would hold a two-day exchange of views with independent outside experts and representatives of the Parliamentary Assembly and the European Committee of Social Rights. The purpose of this exchange would be to identify any gaps in the status and enforcement of existing standards, how environmental aspects of human rights law relate to environmental law, and what could be the implications of any additional instruments in this field on the workload of the European Court of Human Rights and the European Committee of Social Rights. The Group would then appoint a rapporteur, to whom it would give guidance with a view to preparing a document for examination at the following meeting.

4. The CDDH congratulated the Drafting Group on the work accomplished so far and agreed on the need to proceed carefully when examining the need for a further instrument or instruments in this field.

5. The CDDH designated Armenia as a member State whose expert could participate in the CDDH-ENV with their expenses reimbursed by the Council of Europe, following the cessation of the Russian Federation's membership of the Council of Europe.