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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

**Civil society expects
protection of the human right to a clean, healthy and sustainable environment
by an additional Protocol to the European Convention on Human Rights**

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Every human being has the inherent human right to a clean, healthy and sustainable environment. This inalienable human right, which is rooted in constitutions, legislations, court decisions, and treaties around the world, was unequivocally recognized by UN General Assembly resolution 76/300. Every single Council of Europe member State voted in support of this UN resolution, and the heads of all 46 States have pledged to carry this work forward at the Council of Europe.

The lack of explicit, legally enforceable protection of this human right across Europe is unacceptable. In the Inter-American and African human rights systems, the right is already operational. While the majority of member States recognise the right in constitutions and laws, protection is not level across Europe. The Council of Europe must ensure this right consistently.

The European Convention on Human Rights is the core instrument for the protection of human rights in Europe. Backed by the binding judgments of the European Court, it is renowned as one of the strongest human rights systems in the world. Opening negotiations for a Protocol sends an immediately clear and reassuring signal to Europe and beyond, which other alternatives cannot.

The Council of Europe can catalyse action with this powerful message. A Protocol will spark the adoption of stronger laws and policies, improve implementation and enforcement, increase public participation, and reduce injustices. Decades of experience prove that legally enforceable recognition of this right correlates substantively with improved performance across a wide range of environmental indices, including cleaner air, safer water, and reduced greenhouse gas emissions. Such preventative and protective results are vitally important in this moment of crisis.

Today, humanity faces an unprecedented human rights crisis. Every year, hundreds of thousands of Europeans die prematurely due to air pollution alone. The healthy biosphere on which human rights depends is suffering irreversible damage, with a million species on the brink of extinction. As the temperature rises, extreme weather translates into food insecurity, health impacts, and mass displacement. This is the start of a catastrophic trajectory, leaving our children fearful. The triple planetary crisis of pollution, biodiversity loss, and climate change demands that Europe expressly align its human rights protection with global standards to lead a consolidated response.

We need greater legal certainty in these uncertain times. The Court has adjudicated hundreds of environmentally related cases, and the triple planetary crisis promises to bring more cases to it, but its jurisprudence would be aided by explicit recognition of the right to a healthy environment. A Protocol to the European Convention would provide legal certainty to rights holders and member States and allow effective consolidation of the Court's case law.

Only a Protocol will effectively safeguard the rights of the most vulnerable, ensure direct accountability for rights' holders, protect defenders of the right, ignite preventive efforts, fulfil the Council's mandate, and respond to the crisis with the urgency it demands.