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STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

High-level Conference on Environmental protection and human rights

*organised under the aegis of the Georgian chairmanship
of the Committee of Ministers of the Council of Europe
Strasbourg, 20 February 2020*

Information by the Secretariat

Introduction

1. At its 92nd meeting (27-30 November 2019), the CDDH will be informed by the delegation of Georgia of the state of preparation of the High-level Conference on environmental protection and human rights to be held in Strasbourg on 27 February 2020.
2. This event will bring together government officials of ministerial rank from the 47 member States of the Council of Europe. It is organised under the aegis of the Georgian Chairmanship of the Committee of Ministers, in close collaboration with the CDDH Secretariat - directly responsible for coordinating the contribution of various Council of Europe entities - and in cooperation with the DGII.
3. The purpose of this conference is to promote the consideration, in the context of national policies, of the correlation between human rights and the protection of the environment, while emphasising the added value of the Council of Europe in this area.
4. It will examine how the European Convention on Human Rights and other Council of Europe instruments can be used by the member States to protect the environment, while stressing the crucial importance of its protection to guarantee certain rights set forth in the Convention.
5. The present document contains the draft Program of the Conference ([Appendix I](#)) and the Draft Summary of the Introductory Report thereto ([Appendix II](#)), which is being prepared by Ms Elisabeth LAMBERT, CNRS Research Professor (SAGE, Faculty of Law, University of Strasbourg).

Appendix I



Chairmanship of Georgia
Council of Europe
November 2019 – May 2020
Présidence de la Géorgie
Conseil de l'Europe
Novembre 2019 – Mai 2020



High-level Conference on Environmental Protection and Human Rights

**organised under the aegis of the Georgian Chairmanship
of the Committee of Ministers of the Council of Europe**

*Palais de l'Europe, Hemicycle Room
Strasbourg, 27 February 2020*

DRAFT PROGRAMME

Welcome address and official opening

9:00 – 9:05	Mr Levan Davitashvili, Minister of Environment Protection and Agriculture of Georgia
9:05 – 9:10	Ms Marija Pejčinović-Burić, Secretary General of the Council of Europe
9:10 – 9:15	[...] President of the Parliamentary Assembly (elections end of January 2020) <i>(tbc)</i>
9:15 – 9:20	Mr Laurent Fabius, President of the Constitutional Council (France)

9:20 – 9:30 *Photo of participants*

Introductory presentations

9:30 – 9:40	Professor David R. Boyd, United Nations Special Rapporteur on Human Rights and the Environment
9:40 – 9:50	Professor Elisabeth Lambert, University of Strasbourg

Session I – *Environmental protection and protection of human rights: Are they contradictory or complementary?*

9:50 – 9:55	Mr Linos-Alexandre Sicilianos, President of the European Court of Human Rights
9:55 – 10:00	Mr Giuseppe Palmisano, President of the European Committee of Social Rights
10:00 – 11:00	Statements by Heads of national delegations (3' each)

11:00 – 11:10 *Musical interlude*

11:10 – 11:30 *Coffee break*

Session II – *The role of elected representatives and civil society*

11:30 – 11:35	Ms Dunja Mijatović, Commissioner for Human Rights
11:35 – 11:40	Mr Anders Knape, President of the Congress of Local and Regional Authorities <i>(tbc)</i>
11:40 – 11:45	Ms Anna Rurka, President of the Conference of INGOs
11:45 – 13:00	Statements by Heads of national delegations (3' each)

13:00 – 14:45 *Official lunch at the Restaurant Bleu of the Council of Europe offered to the delegations and speakers by the Georgian Chairmanship of the Committee of Ministers*

Session III – *The way forward*

14:45 – 14:48	Mr Christos Giakoumopoulos, Director General, Directorate General Human Rights and Rule of Law (DG I)
14:48 – 14:51	Mr Sławomir Buczma, Chair of the European Committee on Criminal Problems (CDPC)
14:51 – 14:54	[...], Chair of the Steering Committee for Human Rights (CDDH)
14:54 – 15:45	Statements by Heads of national delegations (3' each)
15:45 – 16:10	<i>Coffee break</i>
16:10 – 16:13	Ms Snežana Samardžić-Marković, Director General, Directorate General of Democracy (DG II)
16:13 – 16:16	Ms Jana Durkosova, Chair of the Standing Committee of the Bern Convention
16:16 – 16:19	Ms Krisztina Kincses, Chair of the Council of Europe Conference on the European Landscape Convention
16:19 – 16:22	Ms Anja Olin Pape, Chair of the Joint Council on Youth (CMJ) and the Advisory Council on Youth (CCJ)
16:22 – 17:00	Statements by Heads of national delegations (3' each)

Declaration of the Georgian Chairmanship

17:00 – 17:10	Declaration presented by Mr. Levan Davitashvili, Minister of Environment Protection and Agriculture of Georgia
17:10	<i>End of the Conference</i>
17:15 – 17:45	Press Point
17:45 – 18:45	<i>Reception offered to all participants by the Georgian Chairmanship of the Committee of Ministers, accompanied by a Concert</i>

Appendix II

Draft Summary of the Introductory Report at the High-Level Conference on the Environmental protection and Human Rights¹ (Strasbourg, 27 February 2020)

under preparation by
Ms Elisabeth LAMBERT
CNRS Research Professor
(SAGE, Faculty of Law, University of Strasbourg)

Executive Summary

Introduction

- A. Mandate and Methodology
- B. Current context: the environmental urgency and the proposed UN « Global Pact for the Environment »

1. Historical protection of the environment through the elaboration of conventions at the Council of Europe

- A. The European Social Charter of 18/10/1961
- B. The Bern Convention on the Conservation of European Wildlife and Natural Habitats of 19/09/1979
- C. The Lugano Convention on civil liability for damage resulting from activities dangerous to the environment of 21/06/1993
- D. The Strasbourg Convention on the Protection of Environment through Criminal Law of 4/11/1998
- E. The European (Florence) Landscape Convention of 20/10/2000 and the Additional Protocol of 1/8/2016
- F. The Tromsø Convention on Access to Official Documents of 18/06/2009
- G. Assessment

2. Repairing a missed event: urgently recognise in Europe an explicit right to a healthy environment

- A. The Recognition of the right to a healthy environment in all other regional and universal systems, and at the domestic level
- B. The legacy of the debate over the past 30 years
- C. Admit that it is not the Court's responsibility to fill such a legal gap
- D. The benefits of recognizing the right to a healthy environment

3. Human rights and the environment: the need for a new impetus

- A. Assessment of 30 years of interpretative activities by the European Court and the European Committee of Social Rights
- B. Strengthen the substantial component
 - (1) Scientific knowledge and States' responsibilities
Oblige States not only to follow scientific production but also to support the production of scientific production by independent institutions;
 - (2) The right to environmental education
 - (3) The right to breathe clean air
 - (4) Moving beyond the anthropocentric vision: the rights of Nature

¹ Organised by the Georgian Chairmanship of the Committee of Ministers of the Council of Europe.

- C. Consolidate the procedural aspect
 - (1) The need for full compliance with the Aarhus Convention, in particular with regard to access to information
 - (2) The need to better protect vulnerable actors and environmental defenders

4. Ending impunity for environmental damage by non-state actors

- A. Limited progress at the global level that needs to be overtaken
- B. Develop a complaints and reparations mechanism for victims

5. How can the Council of Europe make this "transition" required by the environmental urgency possible?

- A. The need for a significant progress: towards a European Environmental Pact
- B. On the basis of a possible Recommendation of the Committee of Ministers², draw up a binding instrument up to the current challenges
- C. It could be a Protocol to the European Social Charter. However, given the specificity and diversity of these issues that require an appropriate response (third generation rights beyond the ECHR and the Social Charter; individual and collective dimension (*actio popularis*) / responsibility of state and non-state actors / specific principles of the matter...) the possibility of a separate instrument should be examined without delay:
 - (1) A binding instrument bringing together all these rights and obligations
 - (2) A flexible instrument that will play the role of a driving force: to allow entry into force (rapid with a low number of ratifications/cover complaints of the Berne Convention/...)
 - (3) An instrument including a follow-up mechanism: Office of the Commissioner for Environmental Protection?

Concluding Remarks

- To paraphrase Marc Pallemerts³, the question is whether the Council of Europe wants to play the role of a leader, of a follower or of a laggard in those environmental matters.
- Historically, the Council of Europe had played a leading role, but today it is positioning itself more as a laggard. This author shares the view that the Council of Europe should not be a mere resonance chamber for UN initiatives; the European continent must initiate a new impetus up to its leadership role in the protection of human rights.
- Otherwise, there exists a risk that fragmented initiatives will be adopted at national level and that the legitimacy of the Council of Europe will be severely affected.

Bibliographical references

Appendices

1. Extracts from the regional human rights articles on the right to a healthy environment
2. Draft of the UN Global Pact for the Environment

² The Steering Committee for Human Rights (CDDH) will be called upon to examine in 2020-2021 the possibility of drafting such an instrument.

³ *Environmental Human Rights: Is the EU a leader, a follower, or a laggard?* (2013) 15 Or. Rev. Int'l L. 7, p.27.