

**Call for Member States of the Council of Europe to seize the unique opportunity offered by the Reykjavik Summit to promote the effective protection and explicit recognition of an autonomous right to a clean, healthy and sustainable environment in an Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms**

- Letter to the Permanent Representations of Member States of the Council of Europe in Strasbourg

12 April 2023

We, civil society organizations, social movements and local communities signing this letter, are calling for the recognition without delay of the autonomous human right to a clean, healthy and sustainable environment by the Member States of the Council of Europe.

We live in a world suffering from increasing environmental degradation: almost 7 million people across the world, and more than 300.000 in Europe alone, are estimated to die every year due to air pollution.<sup>1</sup> Extreme floods, prolonged heatwaves, wildfires and intensifying droughts are hitting with growing frequency due to climate change, and the world's brightest scientists have most recently warned us that global, coordinated and urgent action to avoid even more catastrophic impacts from a raise in temperature beyond 1.5°C must be taken in the next decade.<sup>2</sup> Entire ecosystems are collapsing, impacting food security and access to water, decreasing the resilience of communities and leaving an impoverished world to future generations.

This triple planetary crisis of pollution, climate change and loss of biodiversity is also a human rights crisis, hindering the fulfillment of the human rights and fundamental freedoms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

The inextricable link between human rights and the environment is increasingly recognized at the international, regional and national levels. The United Nations General Assembly, following in the steps of the Human Rights Council,<sup>3</sup> recently recognized the right to a clean, healthy and sustainable environment.<sup>4</sup> At the regional level, the right to a healthy environment is already recognized by most human rights frameworks, making the ECHR an outdated exception among regional human rights instruments.<sup>5</sup>

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<sup>1</sup> See World Health Organization, Household air pollution, 28 November 2022, available at <https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health>

<sup>2</sup> See IPCC, Climate change 2023: Synthesis report of the IPCC Sixth Assessment Report (AR6), 19 March 2023, available at [https://report.ipcc.ch/ar6syr/pdf/IPCC\\_AR6\\_SYR\\_SPM.pdf](https://report.ipcc.ch/ar6syr/pdf/IPCC_AR6_SYR_SPM.pdf)

<sup>3</sup> The human right to a clean, healthy and sustainable environment: resolution / adopted by the Human Rights Council, UN doc A/HRC/RES/48/13 (8 October 2021).

<sup>4</sup> The human right to a clean, healthy and sustainable environment: resolution / adopted by the General Assembly, UN doc A/RES/76/300 (28 July 2022).

<sup>5</sup> See for instance African Charter on Human and Peoples' Rights, adopted June 27, 1981 – entered into force on October 21, 1986, 1520 UNTS 217 at Art. 24; Additional Protocol to the American

An overwhelming majority of the current Member States of the Council of Europe (43 out of 46) already recognize the right to a clean, healthy and sustainable environment in some capacity. Furthermore, all Member States have shown their commitment to the autonomous recognition of this right by voting in favour of the aforementioned UN General Assembly resolution on this right.

In keeping with this support for the right to a healthy environment, the Council of Europe can no longer lag behind. It must respond to the urgent challenges to human rights posed by the current environmental and climate crisis, showing strategic vision and political ambition by proceeding with the recognition and protection of the autonomous right to a clean, healthy and sustainable environment in an Additional Protocol to the ECHR.

The recognition of this right in a binding Protocol is the most suited option to grant to this right the same legal status as other rights and freedoms under the ECHR, to provide a common definition of its content and scope at the European level and to clearly establish what Member States' human rights obligations are in respect of the environment. As a result, such recognition would secure a level playing field and grant the "greater unity"<sup>6</sup> among European countries that the Council of Europe is mandated to achieve. It would also contribute to unequivocally recognizing environmental defenders as protectors of human rights, thus enhancing protection for the most at-risk category of human rights defenders.<sup>7</sup>

Its autonomous recognition in a legally binding instrument would equip the people protected by the ECHR with the unmistakable, actionable and internationally enforceable right to a clean, healthy and sustainable environment,<sup>8</sup> and would be a catalyst for the adoption of more effective policies in favour of environmental and climate protection and for the effective enforcement of existing measures. It would assist governments in facilitating implementation, including by corporate actors, by promoting legal certainty.

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Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol), adopted November 17, 1988 – entered into force on November 16, 1999, at Article 11; Arab Charter on Human Rights, adopted May 22, 2004 – entered into force on March 15, 2008, at Article 38; ASEAN Human Rights Declaration, adopted on 18 November 2012, at Article 28 (f); Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), adopted on March 4, 2018 – entered into force on April 22, 2021, at Article 1.

<sup>6</sup> Statute of the Council of Europe, London, 5.V.1949, at Article 1.

<sup>7</sup> Global Witness publishes an annual report on the number of killings of environmental defenders. The most recent report, *Decades of Defiance*, was published in September 2022 and is available at [https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/?gclid=Cj0KCQjwLPWgBhDHARIsAH2xdNcBmaL7-XV-zii9qQsgTmkObAkHO0FiF7fpRcC5Q3YjpjXsqf10gF0aAqzAEALw\\_wcB](https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/?gclid=Cj0KCQjwLPWgBhDHARIsAH2xdNcBmaL7-XV-zii9qQsgTmkObAkHO0FiF7fpRcC5Q3YjpjXsqf10gF0aAqzAEALw_wcB).

<sup>8</sup> See the Parliamentary Assembly of the Council of Europe (PACE) Recommendation 2211 (2021), *Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe*, 29 September 2021.

The upcoming Reykjavik Summit aims to be a “historic opportunity for the Council of Europe to refocus its mission, in the light of new threats to democracy and human rights.”<sup>9</sup> From this standpoint, it represents a unique opportunity for the Council of Europe to promote the adoption of an instrument that protects and recognizes the right to a clean, healthy and sustainable environment.

**For these reasons, in this pivotal moment, we urge Member States to abide by the Council of Europe’s core mission to protect human rights, pluralist democracy and the rule of law in Europe, and to seize the opportunity offered by the Reykjavik Summit to proactively push for the effective protection and explicit recognition of the autonomous right to a clean, healthy and sustainable environment. Not doing so would amount to ignoring some of today’s gravest threats to human rights, and would signify that the Council of Europe is unable or unwilling to address the most pressing dangers in the XXIst century to the rights it must protect.**

**The time has abundantly come, and the Reykjavik Summit offers a unique chance for the Council of Europe to demonstrate its relevance and credibility as a protector of human rights, and to equip the people of Europe with the clarity offered by an Additional Protocol, the only instrument on par with other regional human rights systems that will roundly help tackle the environmental and climate crisis in the next decades.**

On behalf of the signatories listed below, we wish to express our gratitude for the consideration of this call.

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<sup>9</sup> See Council of Europe Summit, Reykjavik, 16-17 May 2023, A historic opportunity for the Council of Europe to refocus its mission, in the light of new threats to democracy and human rights, and to support Ukraine, available at <https://www.coe.int/en/web/portal/fourth-council-of-europe-summit>.

### International and regional organizations

1. Amnesty International
2. Climate Action Network (CAN) Europe
3. Center for International Environmental Law (CIEL)
4. Child Rights International Network (CRIN)
5. ClientEarth
6. Earthjustice
7. European Environmental Bureau (EEB)
8. European Institute for Legal and Business Studies
9. Global Pact Coalition
10. Greenpeace International
11. Human Rights Watch
12. International Commission of Jurists (ICJ)
13. International Federation for Human Rights (FIDH)
14. International Service for Human Rights (ISHR)
15. Justice & Environment
16. Studio D - Centre for Development and Dialogue
17. The Global Initiative for Economic, Social and Cultural Rights (GIESCR)
18. Women Engage for a Common Future (WECF)
19. Youth and Environment Europe (YEE)

### Other organizations

20. Action4Justice UK
21. A.O. E-Circular
22. Association of Environmental Journalism and Ecological Tourism from Republic of Moldova
23. BlueLink Foundation
24. Center for Research and Information for Environment Eko-svest
25. Clean Air Action Group
26. Diritto Diretto
27. Environmental Management and Law Association (EMLA)
28. Estonian Environmental Law Center
29. France Nature Environnement
30. Greenwomen Analytical Environmental Agency
31. International Association of River Keepers Eco-Tiras
32. King's College Legal Clinic Environmental Rights Recognition Project
33. London Waterkeeper
34. Milieudefensie (Friends of the Earth - Netherlands)
35. NGO Terra 1530
36. Notre Affaire À Tous
37. Primaria Cimisia
38. Public Association "CUTEZATORUL"
39. Terra Cypria
40. The Public Association Agency for Regional Development (PA ARD) „Habitat"

41. Védegylet Egyesület
42. Wildlife & Countryside Link
43. Women's Association for the Environment Protection and Sustainable Development