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Drafting an additional Protocol to the Convention on Human Rights, concerning the right to a healthy environment

Motion for a recommendation¹

tabled by Mr Bernard MARQUET and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Assembly reaffirms the importance it attaches to issues relating to the environment and considers that living in a healthy environment is a fundamental right of the citizen.

Climate change, destruction of the ozone layer, desertification, lack of freshwater, industrial pollution, noise, light and other disturbances are all factors that have an adverse effect on the lives of Europeans, and against which they have no legal remedy.

International law relating to the environment is currently characterised by numerous treaties, most of which were adopted in the wake of disasters affecting the environment. These treaties are only rarely implemented, moreover.

The European Convention on Human Rights already provides individual protection against environmental degradation. Such protection is insufficient, however, as even when the potential danger is considerable, violation occurs only when an individual is directly endangered. For example, no legal action could be taken against a source of industrial pollution until after individuals had suffered the consequences thereof and were able to produce medical records to prove it. The application of the precautionary principle is in no way stipulated in the Convention as it stands at present.

The Assembly accordingly considers that in order to guarantee citizens the right to live in a healthy, safe environment, this right should be incorporated into the European Convention on Human Rights through an additional protocol. Such a supplement to the Convention would also be a logical reflection of the way in which the concept of "human rights" has evolved since the Convention was drawn up.

Accordingly, the Assembly recommends that the Committee of Ministers draft an additional protocol to the European Convention on Human Rights, concerning the recognition of the right to a healthy environment.

Signed (see overleaf)

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Signed²:

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2. ALDE: Alliance of Liberals and Democrats for Europe
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