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Environment and health: better prevention of environment-related health hazards

Reply to Recommendation[1]: Recommendation 1863 (2009)
Committee of Ministers

1. The Committee of Ministers has examined with interest Parliamentary Assembly Recommendation 1863 (2008) on "Environment and health: better prevention of environment-related health hazards" and brought it to the attention of the governments of member states and various competent committees.[2]

2. The Committee of Ministers shares the Assembly's concerns regarding the importance of preventing environment-related health hazards. It is aware of the potential risks that environmental pollution can bring to the health of citizens and acknowledges that high vigilance is demanded in this area. It welcomes the growing attention being given to these issues and invites member states to carefully consider, as appropriate, the lines of action advocated by the Assembly in its recommendation, as possible inspiration for national initiatives or policies in this area.

3. As regards the suggestion that a recommendation be prepared on this issue, the Committee of Ministers considers that such an initiative is not imperative at present, particularly in the light of the number of international instruments, including the revised European Social Charter and the European Convention on Human Rights, which are already addressing, or have the potential to examine, issues emerging in this field.

4. In particular the Committee of Ministers would draw the attention to the considerable experience of the European Committee of Social Rights (ECSR) in this field which is regularly called on when examining states' reports on the implementation of Article 11 of the Social Charter, to assess their efforts to prevent risks resulting from a pathogenic environment and rectify any harm that it might cause. As a result of examining a number of collective complaints, the ECSR it has been able to look in more detail at the impact of environmental factors on health at work – which is the subject of Article 3 of the Charter – and to draw attention to the importance of prevention over compensation, as well as its impact on health in general. It has also been able to highlight the importance of scientific studies and independent expert reports in assessing this impact.

5. In its decisions, the ECSR has determined, *inter alia*, that states should set up and regularly update a suitable legislative and regulatory framework; take specific measures (such as improving equipment, setting maximum emission levels and monitoring air quality) to curb pollution at local and global level; set up appropriate mechanisms to monitor compliance with established standards, ensuring that inspectors are sufficiently independent; foster public awareness, information and education; organise epidemiological monitoring and ensure that judicial decisions ordering penalties against offenders or the suspension or prohibition of certain activities are enforced.

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1. adopted at the 1068th meeting of the Ministers' Deputies (20-21 October 2009)
2. The European Health Committee (CDSP), the European Committee of Social Rights (ECSR), the Committee of Senior Officials of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT), the European and Mediterranean Major Hazards Agreement (EUR-OPA).

6. The Committee of Ministers considers that, for the present, Article 11 of the Charter provides a sound basis for investigations both on the effects on human health of ionising radiation, noise and various toxic substances and other hazards and the requirements concerning the development of individual responsibility in the public health sphere.

7. With a view to promoting, *inter alia*, the effectiveness of existing provisions relating to the right to the protection of health, the Committee of Ministers would urge those member states who have not already done so to consider ratifying the pertinent instruments, in particular the revised European Social Charter, but also the relevant ILO treaties and UN Covenant,[3] and to give due attention to the conclusions or recommendations prepared by the related monitoring bodies, including in the field of the environment and public health.

8. The Committee of Ministers would also recall the relevance, in this context, of the "Manual on Human Rights and the Environment – Principles emerging from the case law of the European Court of Human Rights"[4] which was prepared by the Steering Committee for Human Rights (CDDH) consequent to Assembly Recommendation 1614 (2003) on the "Environment and human rights".

9. Addressing another dimension of ensuring a healthy environment, the Committee of Ministers would also highlight Recommendation Rec(2002)1 of Committee of Ministers which includes a section on "Reducing environmental damage".[5] Moreover, the work programme of the Committee of Senior Officials of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) for 2006-2010 draws attention to the role of spatial development policies for a sustainable environment which respect the human health.

10. Finally, the Committee of Ministers considers that there is a transversal dimension to the field of environment and health and would encourage the European Health Committee and other relevant committees to consider this aspect in the programme "Health care in Europe – for and with children".

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3. UN Covenant on Economic, Social and Cultural Rights, ILO Convention No. 162 Asbestos Convention (1986) and Convention No. 170 Chemicals Convention (1990).
4. CM(2005)186 add2.
5. Cf. paragraph 37 of Recommendation Rec(2002)1.