



Recommendation 1885 (2009)¹

Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment

Parliamentary Assembly

1. The Parliamentary Assembly reaffirms its commitment to issues regarding the environment and considers it not only a fundamental right of citizens to live in a healthy environment but a duty of society as a whole and each individual in particular to pass on a healthy and viable environment to future generations. It further points out that some environmental assets are unfortunately non-renewable and that environmental degradation is often irreversible.
2. The Assembly notes and regrets, however, that in spite of the political and legal initiatives taken both nationally and internationally, environmental protection is still very inadequately guaranteed.
3. In this context, the Assembly recalls the Council of Europe's commitment to environmental protection which, in particular, has produced the 1979 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, ETS No. 104), the 1993 Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (ETS No. 150) and the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No. 172).
4. The Assembly also recalls its [Recommendation 1614 \(2003\)](#) on the environment and human rights and its [Recommendation 1431 \(1999\)](#) on future action to be taken by the Council of Europe in the field of environment protection, which already proposed adding an environmental component to the European Convention on Human Rights.
5. The Assembly also wishes to refer to Principle 1 of the 1972 Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), which stipulated that "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being", and to the various constitutional texts in Council of Europe member states which embody provisions on environmental protection.
6. The Assembly notes the case law in the environmental field developed by the European Court of Human Rights, commends the *Manual on human rights and the environment– Principles emerging from the case-law of the European Court of Human Rights*, published by the Council of Europe in 2006, for its valuable insight and recital of the principles emerging from that case law from 1980 to November 2005, and expresses the hope that this manual will be regularly updated. This case law has afforded protection for the right to a healthy environment through a "knock-on effect" by upholding the individual rights in Articles 2 and 8 of the European Convention on Human Rights.
7. The Assembly recalls that setting down this right is consistent with the concern to adapt to the development of society and with the logical extension of the role performed by the Council of Europe in the field of environmental protection.

1. *Assembly debate* on 30 September 2009 (32nd Sitting) (see [Doc. 12003](#), report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Mendes Bota; and [Doc. 12043](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Chope). *Text adopted by the Assembly* on 30 September 2009 (32nd Sitting).



8. The Assembly is also anxious about the escalating environmental degradation whose effects reach far beyond national boundaries and underlines the need for states to display co-operation and share responsibility in the event of damage to the environment.
9. Bearing in mind that society as a whole and each individual in particular must pass on a healthy and viable environment to future generations, in accordance with the principle of solidarity between generations, the Assembly invites the governments of member states to:
 - 9.1. provide adequate protection for the life, health, bodily integrity and property of the individual as guaranteed by Articles 2, 3 and 8 of the European Convention on Human Rights;
 - 9.2. establish information systems concerning the environment and, wherever possible, foster public participation in decision-making processes;
 - 9.3. co-operate and share responsibility in the event of damage to the environment.
10. The Assembly recommends that the Committee of Ministers:
 - 10.1. draw up an additional protocol to the European Convention on Human Rights, recognising the right to a healthy and viable environment;
 - 10.2. include Assembly representatives in the group of experts that will deal with the matter.