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Safeguarding democracy, rights and the environment in international trade

Reply to Recommendation¹: Recommendation 2254 (2023)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2254 \(2023\)](#) on “Safeguarding democracy, rights and the environment in international trade”. It has forwarded it to the Steering Committee for Human Rights (CDDH) and the European Committee on Legal Co-operation (CDCJ) for information and possible comments. The Committee of Ministers fully agrees with the Assembly that international trade arrangements should evolve with society and reflect its increased attention to human dignity and sustainable development, and welcomes the attention given to this issue.

2. The Committee of Ministers recalls its work in this area. As regards the human rights aspects, of particular relevance is its Recommendation [CM/Rec\(2016\)3](#) on human rights and business, which encourages member States to embed human rights protection in international trade agreements. Paragraph 23 of the recommendation states that: “[w]hen concluding and during the term of trade and investment agreements or other relevant conventions, member States should consider possible human rights impacts of such agreements and take appropriate steps, including through the incorporation of human rights clauses, to mitigate and address identified risks of adverse human rights impacts”.

3. In this respect, the Committee of Ministers recalls also the Council of Europe Online Platform for Human Rights and Business, which was set up following the adoption of the above-mentioned recommendation to promote the sharing of national expertise and practice in the field of human rights and business. It encourages member States to regularly update the information concerning action undertaken to promote corporate due diligence.

4. Moreover, as a step towards the universal abolition of the death penalty, paragraph 24 of Recommendation [CM/Rec\(2016\)3](#) encourages member States to: “ensure that business enterprises domiciled within their jurisdiction do not trade in goods which have no practical use other than for the purpose of capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment”. More detailed standards in this field are set out in Committee of Ministers’ Recommendation [CM/Rec\(2021\)2](#) on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment.

5. The Committee of Ministers further draws attention to Recommendation [CM/Rec\(2022\)21](#) on preventing and combatting trafficking in human beings for the purpose of labour exploitation, which encourages member States to provide guidance and tools for business on how to lower the risks of being involved directly and indirectly in such trafficking.

6. As concerns the sustainable development aspect of the Assembly’s recommendation, the Committee of Ministers recalls the recent work undertaken to enable and reinforce corporate due diligence in the field of environmental protection. Its Recommendation [CM/Rec\(2022\)20](#) on human rights and the protection of the environment encourages member States to apply a smart mix of measures, national or international,

1. Adopted at the 1500th meeting of the Ministers’ Deputies (5 June 2024).



mandatory and voluntary, on business enterprises' human rights responsibilities related to the environment. An implementation report will be prepared in due course and the CDDH has organised two awareness-raising workshops on national and regional legislative initiatives introducing mandatory corporate due diligence in relation to human rights and the environment.

7. The Committee of Ministers further recalls that a new convention superseding and replacing the European Convention on the Protection of the Environment through Criminal Law, which should contain relevant provisions, is under preparation and should be completed by the end of the year.

8. Finally, the Committee of Ministers takes note of the other points advanced in the Assembly's recommendation and invites the relevant authorities of member States to give them due consideration.