Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 2400 (2021)[1]

Combating inequalities in the right to a safe, healthy and clean environment

Parliamentary Assembly

1. The United Nations Environment Programme states that "human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the establishment of and respect for human rights". The relationship between the exercise of human rights and the environment is increasingly recognised, and the right to a healthy environment is currently set out in over 100 constitutions worldwide. Despite this, the United Nations High Commissioner for Human Rights has estimated that at least three people a week are killed protecting our environmental rights, while many more are harassed, intimidated, criminalised and forced from their lands.

2. The Parliamentary Assembly recalls the United Nations' 17 Sustainable Development Goals, which include the declared ambition to "end poverty, protect the planet and improve the lives and prospects of everyone", and its Decade of Action 2020-2030. It also refers to the relevance of Articles 2 and 8 of the European Convention on Human Rights (ETS No. 5), which set out the right to life and the right to respect for private and family life, and to the obligations undertaken by member States of the Council of Europe by acceding to the 1992 United Nations Framework Convention on Climate Change and by ratifying the 2015 Paris Agreement adopted at the 21st Conference of the Parties (COP 21).

3. The Assembly draws attention to the 1998 United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), which addresses procedural law related to the environment and more specifically aims to support "environmental democracy".

4. The Assembly also recalls the Preamble of the Paris Agreement that states "Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity".

5. The Assembly has addressed some of the issues relating to climate change and its consequences in its recent texts, including Resolution 2210 (2018) "Climate change and implementation of the Paris Agreement" and Resolution 2307 (2019) "A legal status for 'climate refugees'". It is convinced that stronger international norms, legislation and sanctions must be implemented in order to guarantee the right to a safe, healthy and clean environment for all. In this context, the Assembly welcomes the final declaration adopted in February 2020 at the High-Level Conference on Environmental Protection and Human Rights held under the aegis of the Georgian Presidency of the Committee of Ministers, which called for pan-European legal standards to be upgraded in the light of the urgent environmental challenges posed by climate change today.

6. Just as access to the substantive right to a safe, clean and healthy environment is unequally shared between regions, countries and individuals, so is access to the procedural rights deriving from them, which include the right to information, participation in policy and decision making, and training. The Assembly urges

1. *Assembly debate* on 29 September 2021 (28th sitting) (see Doc. 15349, report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Edite Estrela). *Text adopted by the Assembly* on 29 September 2021 (28th sitting).

all member States to work to ensure that environmental rights are not only a reality for all, but are developed in co-operation between all represented groups, in particular those most affected by climate change and adaptation policies.

7. According to the World Bank, between 2008 and 2013, global inequality fell for the first time since the Industrial Revolution, but the climate crisis is now reversing this positive trend. The effects of climate change have a disproportionate impact on poor countries, via both increased economic harm as a result of extreme weather and the disproportionately increasing cost of reducing emissions. The Covid crisis has also reopened the rifts between rich and poor countries.

8. Individuals affected by inequalities in access to environmental rights are caught up in a "vicious circle" of multiple discrimination. People already affected by racism are harder hit by climate change, for instance, and the same goes for the poorest groups, as adaptation to climate depends largely on household wealth. Disadvantaged groups are more exposed to the adverse effects of climate change, which in turn increases their vulnerability to damage caused by natural hazards and lowers their capacity to cope and recover.

9. Socially disadvantaged people and minorities also suffer from stigmatisation that associates them with their living conditions, which are most often forced upon them. Roma are relegated to sites located on the margins of urban settlements, where they are obliged to share the space with polluting industries, landfills, waste dumps and other contaminated and contaminating installations. Their health and safety are threatened, and in addition they become associated with the negative images of their surroundings by the rest of the population. Member States must distance reception areas for Roma and Travellers from polluted areas, work with them to disassociate their way of life from stigmatising and discriminating stereotypes and provide them with adequate facilities to allow them to live safe and healthy lives.

10. With regard to gendered differences, 70% of women living in the countries hardest hit by climate change work in agriculture. And 70% of the poorest people in the world are women. Climate change affects children, the elderly, sick people and those in financial hardship. On average, more women than men are elderly and/or suffer from poverty. And it is predominantly women who look after children and the sick. Climate change therefore places a disproportionate burden on women worldwide.

11. The under-representation of women in decision-making bodies must also be remedied: according to the European Institute for Gender Equality, as well as the European Parliament, women are still under-represented in the European Union's decision-making bodies tasked with managing the issue of climate change and at national level. In 2011, women held only 18.2% of senior positions in the national ministries of the EU-27 that are responsible for the environment, transport and energy. It is therefore essential to integrate gender mainstreaming into the management of environmental policies.

12. With respect to inequalities in access to the right to a safe, healthy and clean environment resulting from economic differences between and within countries, the Assembly calls for:

12.1. the implementation and strengthening of the mechanism for financial assistance from "rich" to "poor" countries provided for in the 1992 United Nations Convention on Biological Diversity, by including additional obligations on developed countries under the 1992 United Nations Framework Convention on Climate Change – in particular, the obligation to provide financial assistance to developing countries and to facilitate the technology transfer;

12.2. a strengthening and streamlining of the clean development mechanism of the 1997 Kyoto Protocol with a view to reducing greenhouse gas emissions;

12.3. the strengthening and implementation of the commitment by developed countries to help developing countries inherent in the 2015 Paris Agreement, in particular by implementing its Article 9, which provides for financial support in mitigation of and adaptation to climate change, multisource mobilisation of climate finance, and regular quantitative and qualitative reporting on this action;

12.4. respect and reinforcement of the principle of common but differentiated responsibilities;

12.5. stronger regulations on housing development within countries, drawing lessons from the Covid-19 pandemic which showed that for the benefit of the whole population everyone must have adequate living space and healthy living conditions, and that access to green spaces is essential.

13. With respect to indigenous peoples, the Assembly:

13.1. insists on the necessity for all new legislation to tap into the knowledge and experience developed over centuries by communities whose traditions have preserved the strongest links with and respect for the living world and are less anthropocentric than others, in order for future policies to place higher priority on the environment and take into account this world view;

13.2. calls on countries where indigenous peoples are living to ensure they are consulted and take part in decisions related to their lands and ways of living, and in particular that measures taken in the name of protection of the environment (wind farms or green constructions, for instance) do not affect their lives and livelihoods;

13.3. calls on countries where indigenous people are living to encourage and provide the means for representatives of indigenous peoples to meet and exchange across national borders and internationally, in order to share experiences and reinforce their position.

14. With respect to women's access to and contribution to the enjoyment of environmental rights, the Assembly calls for:

14.1. more gender-responsive climate finance to be allocated, in particular at grass-roots and rural levels, to enable women to work and increase their competences;

14.2. equal access to property and tenure rights for women in all member States, in order for them to be in a secure position from which they can build on their knowledge and experience, in particular through community co-operation;

14.3. empowerment of women and girls to lead a just transition to a green economy;

14.4. more quantitative and qualitative data collection on the link between gender and environment, and a more enabling environment for women and girls through education and training.

15. Concerning young people, the Assembly stresses the absolute necessity to involve youth organisations and other young people in the design of any new legally binding framework for environmental rights, as a condition for success. Young people are acutely aware of the state in which previous generations are leaving the planet, are on the whole more respectful of the need to end wasteful and damaging practices, and have shown their power to exert pressure on governments and decision makers. In this context, the Assembly supports the proposals currently under discussion to include youth representatives more systematically in its work.

16. The Assembly emphasises that any new and specific legally binding instrument must address all of the sources of inequalities set out above, with the aim of minimising inequalities in the right to a safe, healthy and clean environment. In the spirit of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), a new text should include a "four Ps" mechanism providing for **p**revention, **p**rotection, **p**rosecution and **p**olicies, and add to this a fifth, which should be **p**arliamentary commitment.

17. Climate justice requires equal access not only to rights but also to the means to uphold and defend these rights before the courts. Also to this end, member States must allow non-governmental organisations such as Notre Affaire à Tous in France and Oxfam at the international level to continue their awareness-raising and advocacy work without hindrance so that mentalities change at the same time as climate injustices are denounced.