Ulkoministeriö
Utrikesministeriet
Oikeuspalvelu
Ihmisoikeustuomioistuin- ja
-sopimusasioiden yksikkö

VN/33224/2022
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1.9.2023

Jakelussa mainitut

Euroopan neuvoston suositus jäsenvaltioille ihmisoikeuksista ja ympäristöstä

Ulkoministeriö lähettää jakelussa mainituille tiedoksi Euroopan neuvoston (EN) ministerikomitean suosituksen jäsenvaltioille ihmisoikeuksista ja ympäristön suojelusta. Suositus on valmisteltu ihmisoikeuksien johtokomiteassa (CDDH) ja sen alaisessa ihmisoikeudet ja ympäristö -työryhmässä (CDDH-ENV). Englanninkielinen suositus on saatavilla Euroopan neuvoston verkkosivuilla. Myös suosituksen englanninkielinen selitysmuistio on saatavilla EN verkkosivuilla.

Suosituksessa kehotetaan jäsenvaltioita aktiivisesti harkitsemaan oikeuden puhtaaseen, terveelliseen ja kestävään ympäristöön tunnustamista ihmisoikeutena kansallisella tasolla. Lisäksi jäsenvaltiota kehotetaan tarkastelemaan kansallista lainsäädäntöä ja käytäntöjä varmistaakseen, että nämä ovat suosituksen liitteessä mainittujen suositusten, periaatteiden ja ohjeistuksen mukaisia. Suosituksen täytäntöönpanoa tullaan tarkastelemaan EN:n ministerikomiteassa viiden vuoden kuluessa suosituksen hyväksymisestä.

Euroopan neuvosto on lisäksi julkaissut päivitetyn käsikirjan ihmisoikeuksista ja ympäristöstä. Euroopan ihmisoikeustuomioistuimen kirjaamo julkaisee ympäristökysymyksistä päivitettävää englanninkielistä opasta ja tuomioistuimen lehdistöpalvelu tiedotetta. Lisäksi Euroopan neuvosto järjesti 3.5.2023 korkean tason konferenssin ihmisoikeudesta puhtaaseen, terveelliseen ja kestävään ympäristöön. Konferenssin tallenne on katsottavissa tästä linkistä ja konferenssijulkaisu on luettavissa täältä.

Lisätietoja suosituksesta antaa lainsäädäntösihteeri Pilvi Rämä, ihmisoikeustuomioistuin- ja -sopimusasioiden yksikkö, p. 0295 350 532, sähköposti: pilvi.rama@gov.fi.

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Liitteet Euroopan neuvoston suositus jäsenvaltioille ihmisoikeuksista ja ympäristönsuojelusta

Jakelu Valtioneuvoston kanslia; oikeusministeriö; valtiovarainministeriö; maa- ja metsätalousministeriö; ympäristöministeriö; saamelaiskäräjät; eduskunnan oikeusasiamies; oikeuskanslerinvirasto; eduskunnan perustuslakivaliokunta; eduskunnan ympäristövaliokunta; Ihmisoikeuskeskus; Itä-Suomen yliopisto, ilmasto-, energia- ja ympäristöoikeuden keskus CCEEL; Luonto-Liitto ry; Suomen luonnonsuojeluliitto ry; WWF Suomi

Tiedoksi OIK-01, OIK-02, POL-03, POL-40, KEO-01, KEO-02, KEO-20, KEO-60, ENE, GEN

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This document has been signed electronically by the following persons:

Rämä Pilvi 91283700F	Oinonen Krista 91269695P
2023-09-01	2023-09-01

COMMITTEE OF MINISTERS
COMITÉ DES MINISTRES
COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

MINISTERS' DEPUTIES Recommendations **CM/Rec(2022)20** 27 September 2022

Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment

(Adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, under the terms of Article 15.*b* of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, *inter alia*, by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;

Recalling member States' obligation to guarantee, for everyone within their jurisdiction, the rights and freedoms defined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, the Convention) and relevant protocols thereto, and where relevant their obligations arising from the European Social Charter (ETS No. 35, the Charter), the European Social Charter (revised) (ETS No. 163, the revised Charter) and from other European and international human rights instruments;

Underlining the Council of Europe's commitment to environmental protection, which has resulted in the adoption of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104), the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS No. 150), the Convention on the Protection of the Environment through Criminal Law (ETS No. 172) and the Council of Europe Landscape Convention (ETS No. 176);

Recalling the relevant recommendations of the Parliamentary Assembly of the Council of Europe, notably Recommendation 2211 (2021) "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe";

Reaffirming that the Convention and the Charter are living instruments which must be interpreted in the light of present-day conditions;

Affirming that the present non-binding instrument recalls the existing standards contained, *inter alia*, in the Convention and the Charter and their interpretation by the European Court of Human Rights and the European Committee of Social Rights in the field of human rights and the environment;

Taking note of the "Manual on Human Rights and the Environment" containing principles emerging from the case law of the European Court of Human Rights and decisions and conclusions of the European Committee of Social Rights, published by the Council of Europe in 2006 and subsequently updated in 2012 and 2021;

Reaffirming that all human rights are universal, indivisible, interdependent and inter-related and should be enjoyed by everyone without discrimination;

Recalling that United Nations Human Rights Council Resolution 48/13 of 8 October 2021 and United Nations General Assembly Resolution 76/300 of 28 July 2022 recognised the right to a clean, healthy and sustainable environment as a human right;

Recognising that measures to address the triple planetary crisis of climate change, loss of biodiversity and pollution are essential to the better enjoyment of human rights;

Bearing in mind that life and well-being on our planet are contingent on humanity's collective capacity to guarantee both human rights and a clean, healthy and sustainable environment for present and future generations, and mindful of taking intergenerational equity into account in State actions;

Recalling the work of the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in particular the "Framework Principles on Human Rights and the Environment" (2018) and the Special Rapporteur's report "Right to a healthy environment: good practices" (2019);

Noting the increased recognition of some form of the right to a clean, healthy and sustainable environment in, *inter alia*, international instruments, including regional human rights instruments, and national constitutions, legislation and policies;

Expressing grave concern about the disproportionate effect environmental degradation may have on the rights of those who are in vulnerable situations and conscious of the need for States to pay particular attention to respecting, promoting and fulfilling obligations concerning human rights for persons in such situations;

Conscious of the need for States to respect the rights and knowledge of indigenous peoples and of local communities, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law, without discrimination;

Recalling the obligations under the United Nations Convention on the Rights of the Child, which requires its States Parties to take into consideration the dangers and risks of environmental pollution to ensure that children enjoy the highest attainable standard of health and which, according to the Committee on the Rights of the Child, implies heightened obligations on States to protect children from foreseeable harm;

Recalling the obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women and emphasising the vital role of women in matters concerning the environment and sustainable development and, in this respect, the need to promote gender equality and the empowerment of women and girls;

Stressing the fundamental importance of science and education for sustainable development and mindful that education and public awareness on environmental matters play an important role in enhancing respect for human rights and the environment;

Underscoring the positive, important and legitimate roles of all human rights defenders, including environmental human rights defenders, in promoting and protecting human rights, including their contribution to the public debate by disseminating information and ideas on matters of general public interest such as health and the environment;

Recognising the vital role of non-state stakeholders, including civil society, national human rights institutions, regional institutions for the protection and promotion of human rights, indigenous peoples and local communities, as well as cities, regions and other sub-national authorities, in the protection of the environment;

Recalling the United Nations Guiding Principles on Business and Human Rights, Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, which underscore the responsibility of all business enterprises to respect human rights and the environment;

Considering the environmental harm stemming from armed conflicts;

Convinced that everyone has the fundamental right to freedom, equality and adequate conditions of life, and to an environment that is of sufficient quality to permit a life of dignity and well-being in which those rights and freedoms can be fully realised;

Conscious that the primary responsibility for protecting the environment and human rights lies with the member States,

Recommends that the governments of the member States:

1. reflect on the nature, content and implications of the right to a clean, healthy and sustainable environment and, on that basis, actively consider recognising at the national level this right as a human right that is important for the enjoyment of human rights and is related to other rights and existing international law;

2. review their national legislation and practice in order to ensure that they are consistent with the recommendations, principles and guidance set out in the appendix to this recommendation;

3. ensure that this recommendation is translated into the official language(s) of their respective countries and ensure, by appropriate means and action, a wide dissemination of this recommendation among the competent authorities and stakeholders;

4. examine, within the Committee of Ministers, the implementation of this recommendation no later than five years after its adoption.

Appendix to Recommendation CM/Rec(2022)20

1. In the implementation of this recommendation, member States should ensure the respect of general principles of international environmental law, such as the no harm principle, the principle of prevention, the principle of precaution and the polluter pays principle, and take into account the need for intergenerational equity.

2. Member States should ensure, without discrimination, the effective enjoyment of the rights and freedoms set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms and, when applicable, the European Social Charter and the European Social Charter (revised), including in relation to the environment.

3. Member States should take adequate measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.

4. Member States should ensure access without discrimination, *inter alia*, to information and justice in environmental matters, participation in environmental decision making and environmental education. Member States should ensure that human rights are taken into account at all stages of the environmental decision-making process.

5. Taking into consideration their vital role in the protection of the environment, member States should consult and co-operate in the implementation of this recommendation with sub-national entities, civil society, national human rights institutions, regional institutions for the protection and promotion of human rights, environmental human rights defenders, economic stakeholders, indigenous peoples and local communities, cities and regions.

6. Member States should encourage or, where appropriate, require business enterprises to act in compliance with their human rights responsibilities related to the environment, including by applying a smart mix of measures – national and international, mandatory and voluntary.