



COMMISSION NATIONALE
CONSULTATIVE
DES DROITS DE L'HOMME

RÉPUBLIQUE FRANÇAISE

STATEMENT
D – 2026 – 3

Urgent Need for the Council of Europe to Recognize the Right to a Healthy Environment

25 june 2026



The CNCDH's declaration on the urgency of recognizing the right to a healthy environment by the Council of Europe was unanimously adopted during the Plenary Assembly of 25 June 2026.

1. The French National Consultative Commission on Human Rights (CNCDH) has made the recognition of the right to a healthy environment within the framework of the Council of Europe one of its priorities. In its opinion *Climate Emergency and Human Rights*, adopted on 27 May 2021¹, the CNCDH recommended that France take the necessary initiatives within the Council of Europe “to have the right to a healthy environment laid down in a binding legal instrument”. This position was reaffirmed with the adoption, in September 2023, of a declaration calling for the recognition of the right to a healthy environment through a binding Council of Europe instrument².

2. Since the adoption by the *Steering Committee for Human Rights (CDDH)*, at its 101st meeting in November 2024, of the *CDDH Study on the Need for and Feasibility of a Further Instrument or Instruments in the Field of Human Rights and the environment* ³, the situation has not significantly evolved.

3. At their 1520th meeting, the Ministers' Deputies instructed the Secretariat “to conduct further analysis regarding the nature, content and implications of the human right to a clean, healthy and sustainable environment, with a view to further informing whether the right should be the subject of a new instrument and, if so, the most appropriate form of the instrument”⁴. The resulting document was presented to the *Rapporteur Group on Human Rights (GR-H)* at its meeting of 27 March 2025⁵. From the outset, it states that it “remains neutral on the questions whether the right to a healthy environment should be the subject of a new instrument and, if so, what would be the most appropriate form of instrument” and merely reiterates the elements already contained in the above-mentioned CDDH study.

4. The right to a healthy environment has still not been expressly enshrined in a binding Council of Europe instrument, despite its recognition within the United Nations system, first by the Human Rights Council on 8 October 2021⁶ and subsequently by the United Nations General Assembly on 28 July 2022⁷.

5. In the absence of formal recognition, the European Court of Human Rights, in its Grand Chamber judgment *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* of 9 April 2024, was only able to recognize positive obligations incumbent upon the member States in relation to climate protection, deriving from Article 8 of the European Convention on Human Rights concerning the right to respect for private and family life. For the first time, the Court acknowledged the existence of a right to effective protection by the State against the serious adverse effects of climate change on life and health. This landmark judgment confirms both the relevance and the urgency of formally recognizing the right to a healthy environment within the conventional framework of the Council of Europe. The Advisory Opinion delivered by the International Court of Justice on 23 July 2025 further reinforces this imperative. In that

¹ [CNCDH, Opinion “Climate Emergency and Human Rights”, A-2021-6, 27 May 2021](#)v.

² [CNCDH, Declaration on the Recognition of the Right to a Healthy Environment under a Binding Instrument of the Council of Europe, D-2023-3, 28 September 2023](#).

³ [CDDH Study on the Need for and Feasibility of a Further Instrument or Instruments in the Field of Human Rights and the Environment, CDDH\(2024\)R101 Addendum 2 29/11/2024](#).

⁴ 1520th meeting of Ministers’ Deputies, 24 and 26 February 2025, [CM/Del/Dec\(2025\)1520/4.2](#)

⁵ GR-H, meeting of 27 March 2025, *Steering Committee for Human Rights (CDDH)*, The nature, content and implications of the human right to a clean, healthy and sustainable environment - Further analysis by the Secretariat, [GR-H\(2025\)4](#), 20 March 2025.

⁶ [Human Rights Council Resolution 48/13, The Human Right to a Clean, Healthy and Sustainable Environment, A/HRC/RES/48/13, adopted on 8 October 2021](#).

⁷ [United Nations General Assembly Resolution A/RES/76/300, The human right to a clean, healthy and sustainable environment, adopted on 28 July 2022](#).

Opinion, the Court affirmed that the adverse effects of climate change may impair the effective enjoyment of numerous human rights and recognized that a clean, healthy and sustainable environment constitutes a precondition for the enjoyment of rights such as the rights to life, health, water, food and adequate housing. This clarification by the principal judicial organ of the United Nations further underscores the need for the Council of Europe to move beyond a merely indirect, case-law-based protection of the right to a healthy environment..

6. More recently, on 20 May 2026, the United Nations General Assembly adopted a new resolution on the obligations of States in respect of climate change. Initiated by Vanuatu and adopted by 141 votes to 8, the resolution follows the Advisory Opinion of the International Court of Justice and incorporates its findings regarding State responsibility. In doing so, the United Nations continues to strengthen an emerging body of international norms from which the Council of Europe cannot remain absent.

7. At the political level, there is as yet no consensus among the member States of the Council of Europe on the need to adopt an instrument formally recognizing the right to a healthy environment. Member States remain divided on whether a legally binding instrument should be adopted, while others have yet to express a clear position. Nevertheless, the Council of Europe Strategy on the Environment (2025–2030), adopted on 14 May 2025⁸, recognizes that a clean, healthy and sustainable environment is essential to the full enjoyment of human rights⁹. Several States, including France, Portugal and Slovenia, have expressed strong support for enshrining the right to a healthy environment in a legally binding instrument. France has also taken the initiative to establish a Group of Friends of the Right to a Healthy Environment, bringing together States committed to advancing this issue, an initiative welcomed by the CNCDH. The Commission recommends that these efforts continue in the same spirit, with a view to achieving a more explicit and structured recognition of this right.

8. The CNCDH further notes that the Parliamentary Assembly of the Council of Europe (PACE) has repeatedly expressed its support for the recognition of the right to a healthy environment, notably in its Resolutions 2396 (2021)¹⁰ and 2545 (2024)¹¹. These resolutions call for the adoption of a legally binding instrument and emphasize that the right to a healthy environment constitutes a prerequisite for the effective enjoyment of all the rights guaranteed by the European Convention on Human Rights. PACE also recommends that the Committee of Ministers initiate, without delay, negotiations aimed at drafting such an instrument¹². The CNCDH considers that these repeated calls from the parliamentary body of the Council of Europe constitute a strong political signal that the Committee of Ministers cannot ignore. This

⁸ [Council of Europe Strategy on the Environment – United around our values for people and the planet \(2025–2030\)](#), adopted at the 134th Session of the Committee of Ministers on 14 May 2025. The Strategy is accompanied by an [Action Plan related to the Council of Europe Strategy on the Environment](#), adopted on the same date.

⁹ According to the Strategy, the Council of Europe's action will aim to strengthen “work ‘on the human rights aspects of the environment based on the political recognition of the right to a clean, healthy and sustainable environment as a human right, in line with United Nations General Assembly Resolution 76/300 ‘The human right to a clean, healthy and sustainable environment’, and by pursuing the implementation of Committee of Ministers Recommendation CM/Rec(2022)20 on human rights and the protection of the environment”.

¹⁰ [PACE, Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe, Resolution 2396 \(2021\), 29 September 2021.](#)

¹¹ [PACE, Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process, Resolution 2545 \(2024\), 18 April 2024.](#)

¹² See Resolution 2545 (2024).

position is also supported by the Council of Europe Commissioner for Human Rights, who reaffirmed it during the First European Forum of Environmental Human Rights Defenders, held in Strasbourg on 3 and 4 June 2026¹³.

9. The Council of Europe cannot remain on the sidelines of the regional and international developments that have taken place in recent years. Other regional human rights systems have already taken this step. The Escazú Agreement (2018)¹⁴ guarantees rights of access to environmental information, public participation in environmental decision-making and access to justice in environmental matters, while also providing specific safeguards for environmental human rights defenders. Within the European context, the Aarhus Convention (1998)¹⁵ - binding upon all Council of Europe member States - already guarantees rights of access to information, public participation and access to justice in environmental matters, together with provisions protecting environmental defenders. It therefore provides a procedural foundation upon which the Council of Europe should necessarily build. In Africa, the Maputo Protocol (2003)¹⁶ and the case-law of the African Commission on Human and Peoples' Rights, particularly the Ogoni case¹⁷, have developed an integrated approach linking human rights and environmental protection. In the Americas, the Protocol of San Salvador (1988)¹⁸ includes the right to a healthy environment among the economic, social and cultural rights, the effectiveness of which has been strengthened through the interpretation by the Inter-American Court of Human Rights of Article 26 of the American Convention on Human Rights¹⁹. The absence of a comparable instrument within the Council of Europe - an organization that aspires to serve as a model for the protection of fundamental rights - constitutes a paradox that the CNCDH considers increasingly untenable.

10. At a time when the triple planetary crisis continues to worsen, the CNCDH considers that it has become imperative for the Council of Europe to adopt a legally binding instrument recognizing the right to a healthy environment within its legal system. The CNCDH reiterates that its preferred option is the adoption of an Additional Protocol to the European Convention on Human Rights, enabling individuals affected by environmental harm to invoke this right before the European Court of Human Rights. More than ever, it is essential that the member States mobilize in support of a strong legal instrument, accompanied by effective monitoring and compliance mechanisms. This call is also strongly supported by civil society, notably

¹³ [First European Forum on Environmental Human Rights Defenders, Intervention by Michael O'Flaherty, Council of Europe Commissioner for Human Rights, CommHR\(2026\)44, Strasbourg, France, 4 June 2026](#) : "That is why I joined the call for a Council of Europe legal instrument on the right to a healthy environment. I leave it to states to determine what form of the instrument, but I am clear that it must be binding. Nothing less will match the urgency of the moment and the rapidly evolving legal context."

¹⁴ *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)*, Escazú, 4 March 2018 (entered into force on 22 April 2021).

¹⁵ UNECE, *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)*, Aarhus, 25 June 1998 (entered into force on 30 October 2001).

¹⁶ *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)*, Maputo, 11 July 2003 (entered into force on 25 November 2005).

¹⁷ African Commission on Human and Peoples' Rights, *Communication 155/96, Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) / Nigeria*, October 2001.

¹⁸ *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)*, San Salvador, 17 November 1988.

¹⁹ [Inter-American Court of Human Rights, Advisory Opinion OC-23/17, 15 November 2017](#).

through the campaign advocating the recognition of the right to a healthy environment within the Council of Europe, which brings together more than 500 organizations.

11. The CNCDH welcomes the recent developments relating to the recognition and strengthening of the protection of the right to a healthy environment. In this context, it encourages States, and France in particular, to continue their efforts towards the explicit and effective recognition of this right within the legal framework of the Council of Europe. The CNCDH further supports the opening of negotiations aimed at the adoption of a legally binding instrument.

12. The CNCDH wishes to stress that protecting the right to a healthy environment is neither a peripheral nor a secondary issue. It is a prerequisite for the effective enjoyment of all the rights guaranteed by the European Convention on Human Rights. In the face of the continuing deterioration of the triple planetary crisis - climate change, biodiversity loss and pollution - the Council of Europe's inaction is no longer tenable. Such inaction sends a deeply concerning message to all stakeholders including States, civil society and environmental defenders, who expect the pan-European organization to live up to its founding values. The adoption of a legally binding instrument establishing substantive guarantees together with an effective monitoring mechanism would constitute a powerful political commitment commensurate with the scale of the challenges at stake.

13. The CNCDH calls upon all member States to overcome their remaining reservations without delay and to commit resolutely to this course of action, so that the Council of Europe remains faithful to its vocation: to serve as a living and robust system for the protection of fundamental rights for present and future generations.



Créée en 1947 sous l'impulsion de René Cassin, la Commission nationale consultative des droits de l'homme (CNCDH) est l'Institution nationale française de promotion et de protection des droits de l'homme, accréditée auprès des Nations unies.

L'action de la CNCDH s'inscrit dans une triple mission :

- Conseiller les pouvoirs publics en matière de droits de l'Homme et de droit international humanitaire ;
- Contrôler l'effectivité des engagements de la France en la matière ;
- Sensibiliser et éduquer aux droits humains.

L'indépendance de la CNCDH est consacrée par la loi. Son fonctionnement s'appuie sur le principe du pluralisme des idées.

Ainsi, seule institution assurant un dialogue continu entre la société civile et les experts français en matière de droits de l'Homme et de droit international humanitaire, elle est composée de 64 personnalités qualifiées et représentants d'organisations non gouvernementales issues de la société civile.

La CNCDH est le rapporteur national indépendant sur la lutte contre toutes les formes de racisme depuis 1990, sur la lutte contre la traite et l'exploitation des êtres humains depuis 2014, sur la mise en œuvre des Principes directeurs des Nations unies sur les entreprises et les droits de l'Homme depuis 2017, sur la lutte contre la haine et les discriminations anti-LGBTI depuis avril 2018 et sur l'effectivité des droits des personnes handicapées depuis 2020.

La CNCDH est en outre la Commission française de mise en œuvre du droit international humanitaire au sens du Comité international de la Croix-Rouge (CICR).

