

The Right to a Healthy Environment

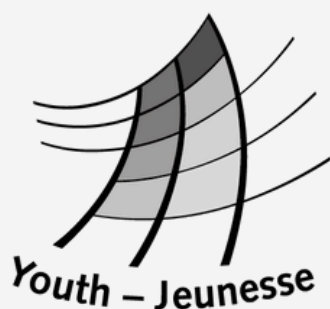
A youth-led toolkit. Designed by
young people, for young people.



This toolkit was produced by and is the responsibility of the educational team of the study session of the Study Session “Right to a Healthy Environment.”

The event was organised by the non-governmental organisations Youth and Environment Europe (YEE) and Yeghvard Ecological Non-Governmental Organisation (NGO) in cooperation with the Council of Europe (CoE) and the European Youth Center Budapest (EYCB).

It does not represent the official point of view of the Council of Europe.



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Definitions and Concepts

Human rights

= the basic rights and freedoms that belong to every person from birth to death. Human rights are defined by the United Nations as:

“inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education.”

It is clear that these rights should be granted to everyone, without discrimination. Human rights are defined and protected by international law; which states that civil, political, economic, social, and cultural rights should be provided for every individual. The first international guide for human rights was the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. Human rights protect the well-being of every individual from any region of the world throughout their entire life.

Healthy Environment

= a state of a natural environment that supports the well-being of all living organisms on Earth, including humans, which is crucial for the development, health, prosperity and sustainability of the entire ecosystem. The disruption of a healthy environment causes the decreasing of the quality of life, magnifies health problems and endangers biodiversity.





= Public actions refer to activities carried out by members of a community, including individuals, community groups, and NGOs. They are particularly important in community building, as they aid in addressing social issues and encourage communal representation for local sustainable development. The RtHE can be further improved through several community based activities that are further explained below:

- **Demonstrations:** Activities carried out by a group of individuals that show concern and dissatisfaction with events, policies or situations in their community.
- **Coalitions:** Groups of individuals or entities who agree to work towards a common goal. Coalitions can be a way to combine resources towards the goal.
- **Boycotting:** A form of organised protest, which often sees individuals collectively refuse to buy from or support a specific company or organisation to show their disapproval of recent actions taken by the company.
- **Community Workshops:** Organised learning meetings for members of a community to learn more about key issues and be inspired to take action in their society.
- **Youth work:** The empowerment of young people through a community medium, outside of formal education. It can take many forms, including education, training, politics, sports, arts, culture, and other enriching activities.

Acronyms

Council of Europe - **CoE**

Right to a Healthy Environment - **RtHE**

European Convention of Human Rights - **ECHR**



1 Introduction

“We cannot solve our problems with the same thinking we used when we created them”

- Albert Einstein

Based on the Council of Europe’s Recommendation (2022)20 on the human rights and the protection of the environment, and the United Nations General Assembly Resolution 76/300 of 2022, as youth activists and youth workers we created this toolkit after gathering knowledge and expertise during the Study Session “Right to a Healthy Environment.” This event was organised by the non-governmental organisations Youth and Environment Europe (YEE) and Yeghvard Ecological Non-Governmental Organisation (NGO) in cooperation with the Council of Europe (CoE) and the European Youth Center Budapest (EYCB).

The Study Session “Right to a Healthy Environment, a young activist perspective” was a series of integrated workshops to boost the youth perspective and influence within the Council of Europe, whilst focusing on the Recommendation (2022)20 on human rights and the protection of the environment. Through discussions on youth participation, human rights, and environmental protection for a week, we ensured that the voices of young people play an integral part in shaping policy recommendations. We also created an atmosphere where youth insights and contributions can drive tangible change, and foster a global community dedicated to environmental advocacy.



The team

Within this programme, the team was composed of 25 participants originating from countries including Albania, Armenia, Azerbaijan, Egypt, England, Georgia, Greece, Ireland, Kosovo, Poland, Portugal, Scotland, Spain, and Wales.

The Organisers:

- Youth and Environment Europe (YEE) is an independent, non-profit pan-European network of local, regional or national non-governmental youth organisations concerned with youth empowerment on environmental issues and the current triple planetary crisis. Its activities aim to empower young people by providing them with skills, resources, and opportunities to participate actively and responsibly in society.
- Yeghvard is a youth-ecological NGO based in Armenia. They aim to empower and unite the youth to take action locally, nationally, and internationally by promoting environmental awareness and appreciation.

The organisers have a long-standing partnership with the CoE and the youth department, in particular in building the intersection between youth and the environment. The CoE consists of 46 countries and aims to foster greater unity among its members, as well as facilitate common economic and social progress.



Aims and Objectives

The primary purpose of this toolkit is to empower and further enable individuals and youth workers to advocate for the legal protection of the right to a clean, healthy and sustainable environment by the Council of Europe.

Our objectives include the following:

- **Educating young activists** and providing them with the necessary tools to reach their goals.
- Highlighting the link between an endangered environment and the potential deterioration of human rights.
- Underlining the **importance of having legally binding treaties** and frameworks to enshrine this right in national and international legislation.
- **Providing NGOs with recommendations** that they can take into consideration in their work.
- **Empowering young activists** by encouraging them to further engage in political, public and legal actions.
- Informing youth workers on current realities which are exacerbated by the climate crisis, in order to raise their awareness on the importance of the RtHE, and thereby incentivising them to be involved in the best practices to move forward.



What does the toolkit include?

This manual outlines key approaches in relation to the link between human rights and the environment. It provides valuable insights on the RtHE, which are beneficial to young people. It examines the political, legal, social, and educational European context, and links it to local realities on environmental rights. It includes information on current regional policies within the scope of this theme, examples of best practices carried out in local scenarios, and extra resources.

How to use the toolkit

This toolkit is designed to be used by individuals, organisations, and officials who wish to learn about the RtHE, from a youth perspective. It aims at informing readers on the need of including the RtHE into the European Convention of Human Rights (ECHR) and its importance to every individual's well-being, as well as the significance of educating young people about the intersection of human life and the environment. It is our hope that this information can be used as a tool to advocate for this CoE Recommendation to become an official right for all to enjoy from.

It is important to note that this toolkit is not to be used as a complete guide, but as an introduction to this increasingly important topic.



2 Topic Introduction

The basis for the toolkit

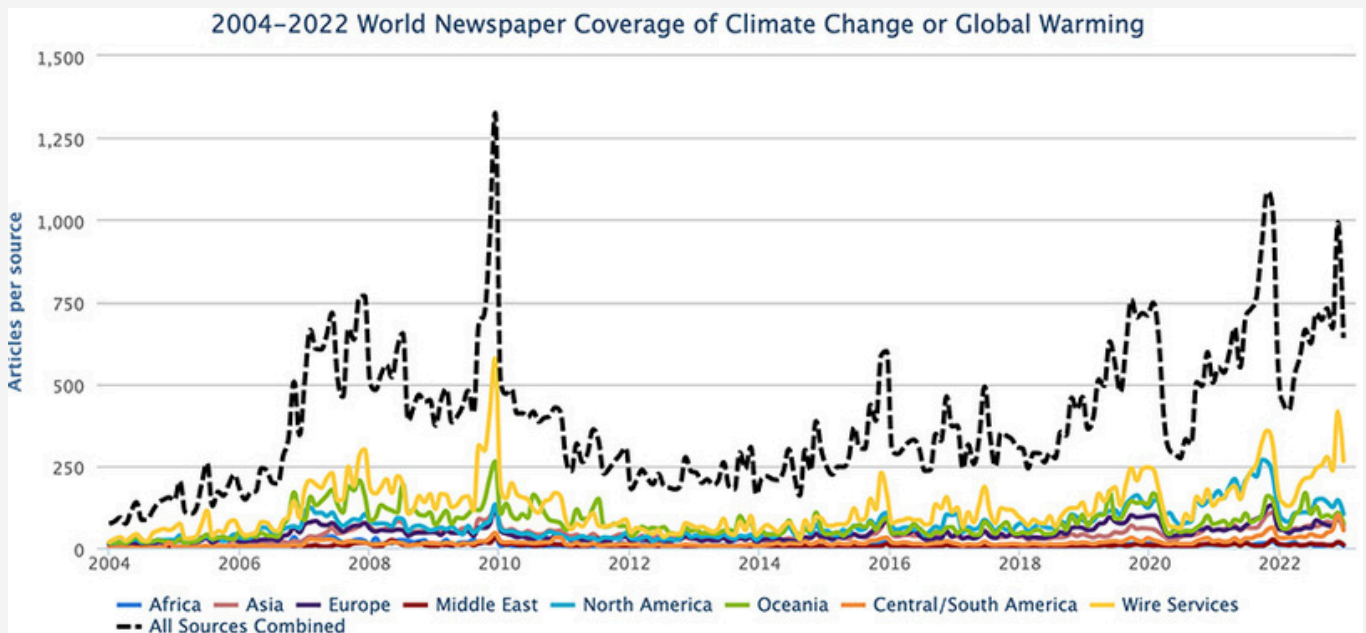
- The CoE's Recommendation CM/Rec(2022)20 calls on member States to recognise the right to a safe, clean, healthy, and sustainable environment (RtHE) as a human right. It highlights principles such as prevention, precaution, and polluter pays, and stresses protecting vulnerable populations from environmental harm. This recommendation aligns with the UN Human Rights Council's recognition of RtHE and builds on the Council of Europe's existing environmental commitments.
- The United Nations General Assembly Resolution 76/300 of 2022 adds this fundamental human right to the library of internationally recognised rights. As humanity confronts an international environmental crisis, it is our genuine hope that RtHE will begin creating the changes needed to produce a just and sustainable future in harmony with nature.

Why is the RtHE important?

In the last decade, the triple planetary crisis - climate change, air pollution and biodiversity loss - has shot to the top of the agenda because of young people.

Although the environment has always been a concern for governments as a consequence of processes such as COP (Conference of the Parties), it was only when young people began to use their voices that it truly became a priority. The likes of Greta Thunberg's Fridays For Future, the Global Youth Biodiversity Network and Youth and Environment Europe have made it so that politicians now win and lose elections on their environmental policies. Environmental issues are included in dozens of curriculums, and references to climate change specifically in global media coverage have shot up since 2004.⁴





Simply put, young people care about climate change and environmental degradation because it is their future that is at stake. In the upcoming years, we will face the consequences of the problems created by generations before us, and the time we have to act is limited. We already see the adverse impacts in our everyday lives – the extinction of species, flooding, and crops dying are prime examples of the repercussions of the climate crisis.

Linking Human Rights, Environmental Protection and Youth

The environment is crucial to the enjoyment of several fundamental human rights, among which are the right to life (Article 2), the right to respect for home (Article 8), and the right to protection of property (Article 1 of Protocol No. 1 to the Convention, ETS No. 9). Legal frameworks that adequately highlight this linkage are crucial, as they promote sustainability and justice.

Young people are among the most vulnerable to the adverse effects of environmental degradation such as pollution and inadequate sanitation. Climate-induced disasters disproportionately impact them according to, among others, their economic situation and social context, compromising their development and future prospects. Such challenges highlight the need for legal frameworks that ensure environmental protection as a means of safeguarding youth rights.



What has already been done?

Current policy landscape

The CoE Environment Programme was launched in 1961 and has produced the Convention on the Conservation of European Wildlife and Natural Habitats (1979), European Landscape Convention (2000), and the Framework Convention on the value of Cultural Heritage for Society (2005). The CoE also runs The European Diploma of Protected Areas. The latter, created in 1965, is awarded to protected areas based on their outstanding scientific, cultural or aesthetic qualities; they must also be the subject of a suitable conservation scheme which may be combined with a sustainable development programme.

The CoE has politically recognised the protection of the environment and human rights as a top priority. The RtHE is already enshrined in the constitutions of various member States, and is being treated as a pressing issue in international, regional, and national human rights instruments and legislations. In the world, more than 100 States constitutionally recognise the right to a healthy environment.

The CoE now has more than 300 judgments from the European Court of Human Rights related to environmental issues, as well as various decisions and conclusions of the European Committee of Social Rights.

In Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, it was recognised 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,” and reaffirmed 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”.

All 46 of the Council of Europe’s member States voted in favour of the United Nations General Assembly Resolution 76/300, in July 2022. They recognised the clean, healthy and sustainable environment as a human right, its linkage to other rights, and its existence under international law. However, despite the support of all the member States at UN level, this right is not yet enshrined in the ECHR.



Relevant policy documents

- United Nations Conference on the Human Environment in Stockholm (1972)
- Declaration and Action Plan for the Human Environment (1972)
- Brundtland report (1989)
- UN Conference on Environment and Development (1992)
- Rio Declaration on Environment and Development (1992)
- United Nations Framework Convention on Climate Change (UNFCCC) (1992)
- Kyoto Protocol (1997)
- Doha Amendment (2012)
- Human rights and the environment mandate (2012)
- Paris Agreement (2015)
- UN General Assembly declaring access to a clean, healthy and sustainable environment (2012)

Relevant regional instruments

Regional conventions	<u>Aarhus Convention (1998)</u>	<u>African Charter on Human and Peoples' Rights (1991)</u>	<u>Arab Charter of Human Rights (2004)</u>	<u>Protocol of San Salvador (1969)</u>
States parties	<u>46 (plus the EU)</u>	<u>54</u>	<u>16</u>	<u>16</u>
Relevant provisions	Preamble: 'every person has the right to live in an environment adequate to his or her health and well-being'	Article 24: 'all peoples shall have the right to a general satisfactory environment favorable to their development'	Article 38: 'every person has the right [...] to a healthy environment'	Article 11: 'everyone shall have the right to live in a healthy environment'

Table: European parliament, a universal right to a healthy environment



3 What is the RtHE?

“All human beings depend on the environment in which we live. A safe, clean, healthy, and sustainable environment is integral to fully enjoying a wide range of human rights, including the rights to life, health, food, water, and sanitation. Without a healthy environment, we are unable to fulfil our aspirations. We may not have access to even the minimum standards of human dignity.”

- David Boyd, former UN Special Rapporteur on Human Rights and the Environment

Why is the RtHE important?

The RtHE was formally recognised by the United Nations Human Rights Council during its 48th session in October 2021 through [HRC/RES/48/13](#) and subsequently by the United Nations General Assembly in July 2022 through [A/RES/76/300](#). These resolutions acknowledge the right to a clean, healthy, and sustainable environment as a human right.

The acknowledgment of the RtHE often serves as the cornerstone for human rights advocacy by environmental defenders, such as land defenders, water protectors, and indigenous rights activists.



A healthy environment includes:



Clean air: Air that has little-to-no levels of harmful pollutants



Safe and sufficient water: Water that is free from contaminants.



Healthy soil: Soil rich in nutrients and free from pollutants.



Biodiversity and ecosystem health: A diverse range of species and ecosystems that are coexisting and cooperating in symbiosis.



Low levels of pollution: Minimising the industrial, agricultural and urban pollution by reducing noise, light, and chemical pollution is crucial for the well-being of individuals and reducing environmental stress.



Climate stability: The mitigation of rapid climate changes resulting from human activities.



Green spaces: Areas of nature which help your mental and physical wellbeing.



What does the RtHE call for?

Substantive rights

- Clean air.
 - Good practice box: Push for adoption of Ella's Law in the UK, a bill that would recognise the right to breathe clean air and strengthen British air quality standards, led by the [Ella Roberta Foundation](#).
- Safe climate.
- Safe and sufficient water.
- Healthy, sustainable produced food.
 - Good practice box: In [Alagonia](#), a rural village located in the mountains of Greece, farmers are taught how to make seed balls, a natural farming technique.
- Non-toxic environments.
- Healthy ecosystems and biodiversity

[States](#) that already protect at least 30 percent of their marine territory include Australia, Belgium, Chile, Costa Rica, France, Gabon, Germany, Monaco, the Netherlands, New Zealand, Palau, Seychelles, and the United Kingdom.

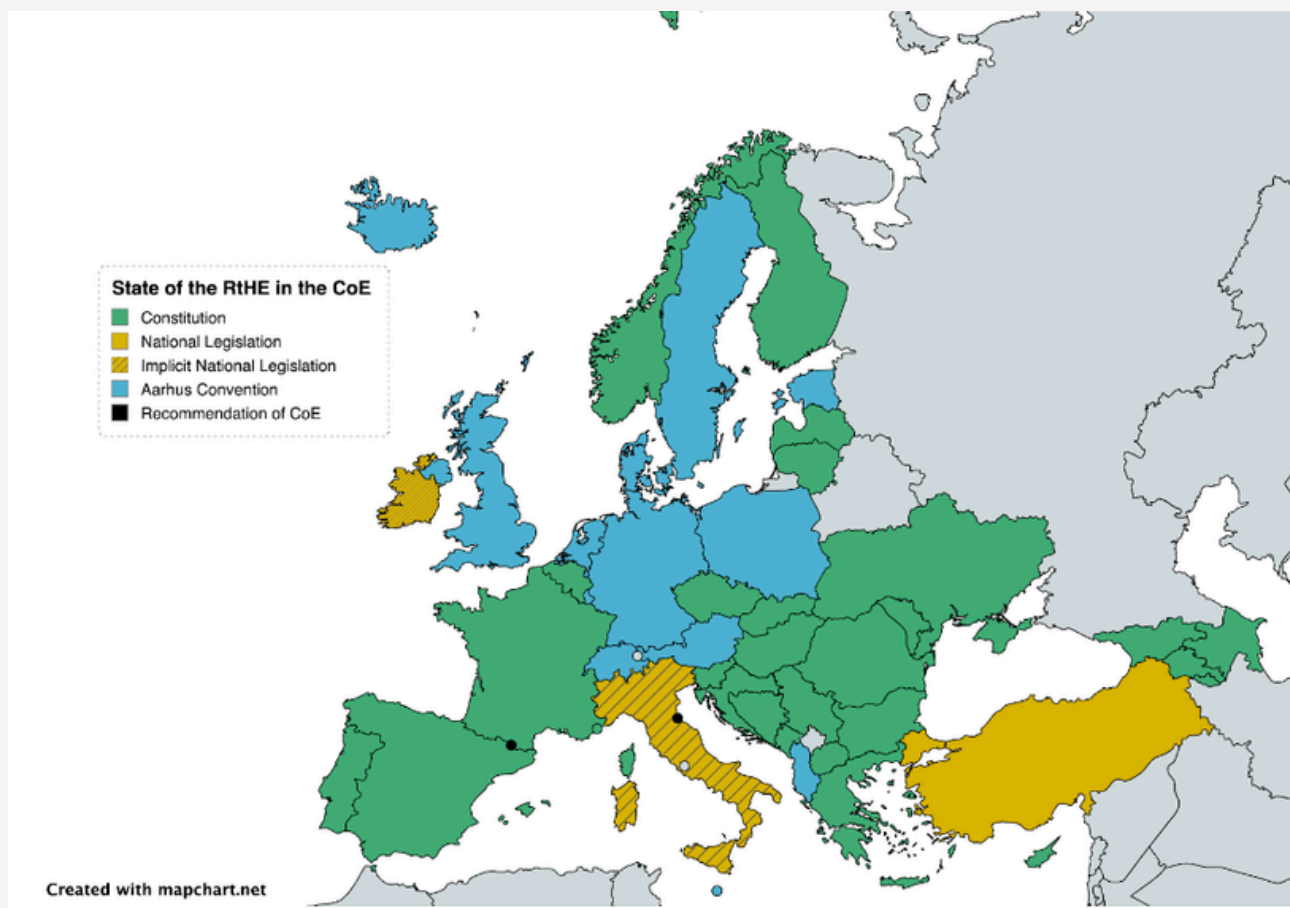
Procedural rights (also enshrined in the [Aarhus Convention](#))

- Access to information.
- Good practice box: Hungary has a comprehensive National Environmental Information System. [The National Public Health Institute](#) publishes updated data online regarding air quality, the quality of drinking water, bathing water, pollen levels, and other potential health risks.
- Participation in decision-making.
 - Good practice box: Finland created an [Agenda 2030 Youth Group](#) to serve as an advocate for the Sustainable Development Goals and participate in national planning and implementation to achieve the goals.
- Access to justice and remedies.



Who recognises the RtHE?

Recognising the RtHE has been a gradual process over the years. The map here shows the different levels of adoption that the countries in the CoE currently have:



The countries in green have the strongest level of recognition. They have included the RtHE within their constitution, the most fundamental part of legislation. Turkey, in yellow, has recognised the RtHE in secondary national legislation: this is great progress, but is easier to repeal or change. Countries with yellow stripes have implicit legal recognition. This means that it isn't directly recognised or does not fully cover all of the aspects of the RtHE.

Portugal became the first country to adopt a constitutional "right to a healthy and ecologically balanced human environment" in 197



If the RtHE was legally protected by the Council of Europe, what benefits could it bring?

What does the recognition of the RtHE mean? Who will benefit and how? We have identified four spheres of impact to contextualise the chain of positive effects that such legal recognition would create

1

Alignment with international obligations

- The CoE needs to confirm its capacity in responding to the current reality. In the context of the triple planetary crisis, the CoE needs to take proactive measures to allow progress to occur.
- The RtHE will substantially strengthen environmental policies across all member States, bridging the gap among them and harmonising them

2

Effects on legal system

- Provide both victims and the member States with legal certainty.
- Clarify jurisprudence and lead to fair judgments.
- Provide a comprehensive protection against the full range of environmental harms.
- Act as a starting point for the member States to review and update their national legislation.
- Add an extra legal layer to the member States that have already included this right to their constitution, ensuring efficient protection.



3

Positive effects on the environment

- Recognition of the RtHE has been shown to contribute to improved environmental performance, including cleaner air, enhanced access to safe drinking water, and reduced greenhouse gas emissions

4

Positive effects for citizens

- Empowering environmental defenders as human rights defenders have more legal protection than other campaigners.
- Positive effects for vulnerable populations.
- Increased public participation in environmental decision making



Recommendation CM/Rec(2022)20 on human rights and the protection of the environment

What is the Recommendation about?

The recommendation on RtHE, AKA CM/Rec(2022)20, encourages CoE member States to ‘reflect’ on the reality of the right to a healthy, clean, and sustainable environment in their territories. There are three key sections: the Preamble, the Recommendation, and the Appendix.

The **Preamble** contextualises and introduces the recommendation, and often includes the strongest language in the document!

It highlights:

- The importance of commitment to environmental protection, documenting many key policies on wildlife, environment, landscape, and human rights.
- The planetary crisis, including climate change, loss of biodiversity, and pollution, which it highlights as urgent problems to address.
- 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.”
- Concerns about vulnerable groups of society, including indigenous people affected by environmental degradation.
- Human rights defenders, stressing the role of science and education for sustainable development, non-state stakeholders, local communities, and sub-national institutions.



The **Recommendation** section is the main part of the document, even though it is often the shortest. This is where the actionable tasks are written:

- 1.To reflect on the RtHE and its consideration as part of human rights on a national level.
- 2.To review national legislation and practices and ensure they are in compliance with the recommendation.
- 3.To ensure the recommendation letters are translated to the official languages of each member state.
- 4.To implement a review five years after adopting the recommendation.

The **Appendix** builds on the recommendation and expands it with more information about the legal context. There are six different points for member States to consider:

- 1.To ensure they comply with the no-harm principle and the principle of prevention, which means taking necessary measures to refrain from environmental damage and make sure that those responsible for pollution bear the cost.
- 2.To guarantee non-discriminatory enjoyment of rights concerning environmental matters.
- 3.To ensure the protection of vulnerable groups regarding environmental rights, considering the challenges they face and their limited capacities.
- 4.To guarantee non-discriminatory access to justice and information in regards to environmental matters.
- 5.To recognise the important role of cooperation with sub-national entities, civil society organisations, national and human rights institutions, human rights defenders, economic stakeholders, indigenous people, and local communities.
- 6.To encourage business enterprises to comply with human rights obligations related to the environment.



The stages of adopting a recommendation paper

The procedure for issuing recommendations within the Council of Europe includes five main stages:

1. **Initiation:** Identification of the issues by the Committee of Ministers, the Parliamentary Assembly, or through expert or public consultations. The proposal can be initiated by a committee, an appointed rapporteur, or a member State.
2. **Analysis:** In-depth analysis and consultations with relevant departments of the Council of Europe, expert groups, and other stakeholders.
3. **Drafting:** Once the research is completed, a draft is prepared, including background information, analysis, and specific recommendations.
4. **Review:** To ensure coherence and compliance with CoE objectives, the draft paper needs to be reviewed, and consultations must be held externally with non-governmental organisations and experts. A comprehensive review will be followed by a committee vote.
5. **Adoption:** The final stage involves the adoption of the document and the final approval, after which recommendations written in the document are implemented and periodically reviewed

Key Environmental Policies in the paper

- Adoption of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104).
- Conservation of European Wildlife and Natural Habitats (ETS No. 104)
- Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (ETS No. 150).
- Convention on the Protection of the Environment through Criminal Law (ETS No. 172) and the Council of Europe Landscape Convention (ETS No. 176).
- It puts emphasis on United Nations Human Rights Council Resolution 48/13 of October 8, 2021, and United Nations General Assembly Resolution 76/300 of July 28, 2022, which recognised the right to a clean, healthy, and sustainable environment as a human right.



But what is a Recommendation?

Recommendation



The Committee of Ministers represents the main decision-making body that elaborates recommendations for the member States of the CoE. Those recommendations usually refer to the rule of law, human rights, and democracy.

A recommendation paper is a non-binding document that provides the member States' governments with proposals that can be implemented on a national level by taking specific measures in compliance with the recommendation paper. Although a recommendation is not a legally binding document, it may be a precursor, testing the ground at the initial stage, creating norms, and leading to enforceable European standards.

Political vs. Legal Recognition

There is a huge difference between political and legal recognition of human rights - something that is very important to the RtHE campaign!

As the map at the start of this section shows, all CoE countries have some engagement with the RtHE, ranging from signing the Recommendation (see below) to fully constitutionalising the Right.

While this is a good first step, recognition without legal frameworks is not enough! For example, the [Aarhus Convention](#) recognises the existence of the RtHE in both the preamble and Article 1. However, it does not enshrine this Right in legislation; this means that there is no way of enforcing the Right or remedying breaches against it.

In practice, then, we cannot hold States accountable for the environment with only political recognition. Instead, we have to advocate for legal recognition, such as the additional protocol on the ECHR, to ensure we can keep applying pressure for governments to provide a safe, healthy, and sustainable environment



Why do we want an additional protocol to the RtHE?

There are a few different options that the CoE is considering in legally recognising the right, but the campaign is specifically calling for an additional Protocol to the ECHR. Why is this the best option?

- It would give a clear mandate to CoE member States to recognise the RtHE in their legislation - and 43 out of 46 already do in some form!
- It would strengthen the capacity of the ECtHR to protect the right, and equips governments with additional legal norms with which to defend their policies.
- It would fill a gap in existing human rights legislation.

There is also an increasing demand for the enshrining of the RtHE within political groups at the CoE: the Parliamentary Assembly has been calling for the inclusion of a RtHE into the ECHR since [1999](#), and has continued to advocate for this, for example in [2021](#) and [202](#)

Protocol



What actually is a protocol? Protocols to the ECHR are additional sections added to the Convention that create new rights or processes. These additions must be followed in order to include rights to the Convention, and hold just as much power and importance as the additional convention



The Campaign for an additional protocol on the RtHE to the ECHR

What is the campaign about, and what does the Coalition do?

It is important to note that the RtHE is enshrined in the ECHR, but the Council of Ministers has not yet adopted this. **Healthy Environment Europe**, formed in 2022, is a pan-European coalition made up of more than 400 civil society groups, indigenous organisations, and experts to push for the legal recognition of the RtHE, which are currently leading the campaign for the adoption of an additional protocol in the ECHR on the RtHE.

The group meets regularly to build on and develop the campaign. Group members who are part of the Council of International NGOs, a member council of the CoE, can attend environmental working groups (such as the CDDH-ENV) to assist in policy development, observing, and commenting on procedures.

Please join the campaign!



If you are a member of an organisation within the CoE and want to join the Coalition for a Healthy Environment, speak to your members about endorsing this letter by filling in this form.

Over 400 members have already joined, including Amnesty International, ClientEarth, Greenpeace, World's Youth for Climate Justice, and Youth and Environment Europe (that's us!)



4 Ways forward

Legal Action

Who, what, when and how?

What is the campaign about, and what does the Coalition do? It is important to note that the RtHE is enshrined in the ECHR, but the Council of Ministers has not yet adopted this. Healthy Environment Europe, formed in 2022, is a pan-European coalition made up of more than 400 civil society groups, indigenous organisations, and experts to push for the legal recognition of the RtHE, which are currently leading the campaign for the adoption of the RtHE in the Council of Europe. The group meets monthly to build on and develop the campaign. Group members who are part of the Council of International NGOs, a member council of the CoE, can attend environmental working groups (such as the CDDH-ENV) to assist in policy development, observing, and commenting on procedures.

Who can take legal action?



Generally speaking, only people or entities suffering directly from potential human rights violations can bring a case to court. As a consequence, you must first prove that the situation can pose a serious risk to your human rights. When it comes to the ECtHR, “standing” is established when the person directly suffers, has exhausted domestic remedies and has a substantial disadvantage. It is important to note that the ECtHR is also favourable to accepting the standing of environmental associations. Additionally, Legal Aid is available in many countries, which provide financial help to those struggling in the legal process.



What kind of human rights are there?

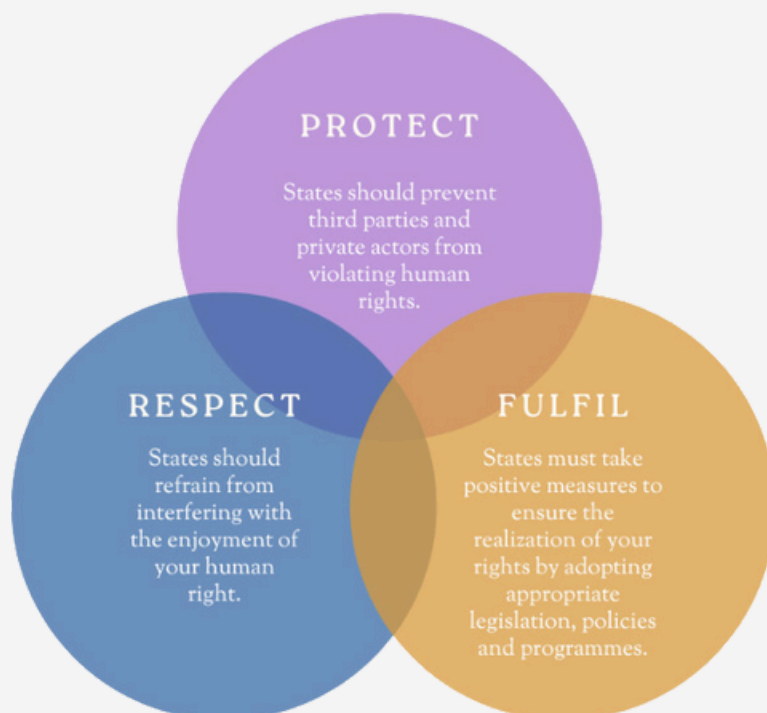


There are substantive and procedural human rights, which complement each other. Substantive rights define the scope of individuals' entitlements and protections. Some examples are the right to life, prohibitions of torture, and freedom of thought, conscience and religion. On the other hand, procedural rights are concerned with the processes and methods by which substantive rights are protected and enforced. They include access to justice, due process hearing, and the rights of detainees.

What are States 'obligations when it comes to Human Rights?



We can sue the State because it violates its human rights obligations to us. States must indeed respect, protect and fulfil human rights.



Let's sue the state!

We can hold the State accountable for their failure to protect our RtHE. While there is no explicit mention of the right in the ECHR, there are many ways we can use the Convention to uphold this right:

Right to life (Article 2)



Everyone has the right to life according to Article 2 of the ECHR. This right may be violated where a failure to ensure a healthy environment has led to actual or potential adverse impacts on human life. This might be the case where there are:

- Dangerous industrial activities
- Dumping of toxic waste
- Industrial emissions causing impacts to health
- Natural disasters (where the State has failed to protect life)

Right to a fair trial (Article 6)



This right is important for environmental associations who wish to challenge decisions in court. In certain cases, environmental activists can use Article 6 ECHR to gain:

- Access to court
- A remedy for a failure to enforce judicial decisions



Right to respect for private and family life and home (Article 8)



Article 8 of the ECHR guarantees that the State will respect private and family life and home. This right has been used to hold the State to account for its failure to ensure a RtHE. This might be the case where there:

- Are environmental risks: there may be a right of access to information (see also the Aarhus Convention).
- Has been a failure to regulate greenhouse gas emissions
- Industrial pollution
- Noise pollution
- Soil and water contamination

Freedom of assembly and association (Article 11)



This right is important for environmental associations who wish to challenge decisions in court. In certain cases, environmental activists can use Article 6 ECHR to gain:

- Access to court
- A remedy for a failure to enforce judicial decisions

Discrimination

Do you feel like you have been discriminated against when enjoying your right to a healthy environment? When being part of or working with social groups in vulnerable situations, Article 14 has got your back! The enjoyment of all the other rights of the Convention shall be secured without discrimination on any group.

For a detailed list of cases on the environment from the ECtHR, please visit [ECtHR factsheet on environment](#).

Knowing your rights when protesting

The Convention can be used to protect environmental protestors and their protests, and States have a variety of obligations in this regard.

Freedom of expression (Article 10) and Freedom of peaceful assembly (Article 11)

There is no explicit right to protest in the Convention, but the ECHR considers that protests are covered by these articles (individually or in combination). Remember that only 'peaceful' protests are protected by Article 11, and that the State is authorised to restrict this freedom under certain conditions. The ECHR has provided a detailed guide on mass protests outlining some of the obligations States have in this regard, and the situations in which protest rights can be legitimately interfered with:

- [Guide on the case-law of the ECtHR: Mass protests](#)

Other relevant rights

- Right to life (Article 2), for example where the State allows life to be endangered when responding to a protest.
- Prohibition of torture or inhuman or degrading treatment (Article 3), for example where there is actual bodily harm or intense mental or physical suffering.
- Right to liberty and security (Article 5), for example where protestors have been deprived of their liberty.

Something extra! A fun exercise to do with your group, even as a separate workshop itself, is a moot court. This is a role-play exercise, where you split into 3 groups (judges, respondents, and applicants), and argue your case before a mock court. It is a great way to get into the mindset of different points of view.



Keep in mind the Aarhus Convention!

Aarhus Convention



The Aarhus Convention is significant for environmental organisations as it enables them to hold States to account and ensure good environmental decision-making in respect of access to information, public participation, and access to justice. The Aarhus Convention also recognises the RtHE in its Article 1, but it would be difficult to use this alone to sue the State for a failure to protect the RtHE.

Of the 46 CoE member States, only 5 have not ratified the Aarhus Convention. You can see [here](#) whether your Member State has ratified.

Good practices of Legal Action

Legal actions taken by environmental organisations in Albania to stop the dam project on the Vjosa

Conservation organisations in Albania secured a huge win for the protection of Europe's last big wild river, the Vjosa in Albania! EcoAlbania, Riverwatch and EuroNatur, together with 38 affected residents, filed a lawsuit against the construction of a projected hydropower plant. According to the Court ruling, the basis of the construction licence (the EIA and the public consultation process) was highly deficient, so the dam cannot be constructed. The river and its surroundings are home to over 1,100 animal species, including 13 assessed by the International Union for the Conservation of Nature (IUCN) as globally threatened, along with two threatened plant species. As a result of the campaign, the Vjosa will be conserved forever as a living, free-flowing river for the benefit of people and nature.



Good practices of Legal Action

Legal actions taken by grassroots movements in Greece to stop wind turbines installations that threaten biodiversity

In the mountainous region of Agrafa in Greece, a grassroots group of NGOs, hiking groups, individuals and cultural associations formed in reaction to the projected construction of wind turbines and their complementary infrastructure (roads and cable networks). The grassroots movement used the help of lawyers and scientists to show that loss of biodiversity had not been fully addressed by the developers. The legal action concentrated on the demand to cancel the permission of the project, and was successful all the way to the high court, bringing the project to an end. This was a huge win for the biodiversity of the region, which includes endangered species such as the griffon vulture, the brown bear, the balkan chamois, and the apollo butterfly. The legal campaign was only one part of the efforts of the movement, with the most important factor being raising awareness of the local struggle on a national and international level.



Recommendations for legal action:



Know your rights! Consult with legal professionals in your country over what rights you have and how to organise a lawful protest.



Organise training sessions with more experienced activists on how to react to situations that you will have to face when protesting.



Always document your activism to have proof of the legality of your actions, preferably with independent legal observers. Here is a [Handbook on Monitoring Peaceful Assembly](#).



If you are thinking about suing the State for violating our RtHE, reach out to organisations that can help. We have provided a list of these in the appendix



Link your legal action with political actions - it is not enough to go to court, you also have to raise awareness and link your actions with political and public actions. Not all legal actions will result in the finding that a right has been violated, but they can form part of a larger process of raising awareness of environmental issues.



Political actions

Political Actions are a way of influencing and calling to action political leaders, members and systems in your country. Political Actions are important because of the critical role that they play in how policies are shaped, forming behaviours of societies and aiding the democratic process for the good of humanity. The RtHE can be upheld through these various political settings.

Some examples of different types of political action include

Consultation

An engagement process which informs a policy, project, campaign etc

Lobbying

The act of lawfully attempting to influence the actions, policies, or decisions of government officials, most often legislators or members of regulatory agencies, but also judges of the judiciary

Informing

The process of making people aware of their rights and the responsibilities of elected policy makers to them

Campaigning

Taking part in an organised course of action to achieve a goal, for example to achieve social or political change. This can be a useful collaboration tool aiding the process of political change and transparency in society. Many examples exist today of local change being engineered by a coalition of non-governmental organisations working together on social and political issues through campaigning. Many of these coalitions have led to massive change in today's world.



Good practices of Political Action

Scottish youth's work on single-use disposable vapes

An example of good practice that you may find insightful is that of [The Scottish Youth Parliament's work on the Environmental Impact of single-use disposable vapes](#). This piece of work was led by two Scottish young people. Together they created a **consultation** which was disseminated through social media via an online survey building tool. They then used the data and voices of young people who answered the survey to formulate a report which showcased nearly 700 young people's views on the topic. This report was a powerful tool in building a strong, data driven **campaign** used in **lobbying** and **informing** decision makers. It was picked up by the government minister responsible for this area at the time, where they were then invited as key stakeholders at a Government roundtable event and the report used in the Children's Rights Wellbeing and Impact Assessment Report (CRIWA) in parliament's bill development process.

Recommendations for political action

- **Familiarise yourself with your country's political system.** This will help you to use the already mentioned political actions to work towards the recognition and implementation of the RtHE in your country or setting.
- **Participate in youth-led campaigns.** This is a good opportunity to expand your network and collaborate on meaningful projects. Since young people are future decision makers, with fresh ideas, this could also serve as a fora for engagement with innovative thinking and exchange ideas.
- **Plan information-sharing sessions.** These sessions are good for creating awareness among the masses on the RtHE . A communal practice like this could be a good platform to meet like-minded young people, magnifying collaboration and fostering sustainable development in your community.



Education

In the context of education, the RtHE becomes even more significant, offering numerous benefits that span individual empowerment and broader societal and environmental improvements. Here are some key benefits:

- **Increased understanding** of how environmental degradation threatens the enjoyment of all human rights and how the exercise of human rights contributes to better environmental protection – a virtuous cycle.
- **Increased legal acknowledgement** of the right in countries that do not recognise the right yet– for instance, presenting a starting point for constitutional and/or legislative reform to recognise this right.
- **Increased awareness** of the need to address the environment at the societal level.
- **Strengthened implementation** and enforcement in countries where the right is already recognised, and strengthened mechanisms to guarantee the protection of environmental human rights defenders.
- **Enhanced responsibilities** for the private sector to respect the human right to a healthy environment including throughout their supply chains and human rights due diligence.

In recent years, the emphasis on the RtHE has significantly increased in both formal and non-formal education.



Differences & Similarities:

Formal and Non-Formal Education

Formal education



Formal education refers to the structured education system that runs from primary (and in some countries from nursery) school to university, and includes specialised programmes for vocational, technical and professional training. ([European Youth Foundation](#)).

Characteristics:

1. Follows a set curriculum designed by educational authorities.
2. Takes place in schools, colleges, and universities.
3. Leads to recognised degrees and certifications.
4. Organised into levels such as primary, secondary, and tertiary education.
5. Delivered by qualified teachers and educators.

Non-formal education



Non-formal education refers to planned programmes of personal and social education, designed to improve a range of skills and competences, outside the formal educational curriculum. ([European Youth Foundation](#)). Non-formal education is particularly important for reaching disadvantaged groups who may not have access to formal education. These programs are designed to be inclusive and cater to individuals of all ages and backgrounds, enhancing community resilience and environmental justice.

Characteristics:

1. May not follow a standardised curriculum; often adjusted to specific needs.
2. Can take place in community centres, workplaces, online, or through workshops and training sessions.
3. Often focuses on practical skills, personal development, and community improvement.
4. Does not usually lead to formal degrees but may offer certificates of participation or achievement.
5. Accessible to learners of all ages and backgrounds.



The RtHE in Formal and Non-Formal Education

RtHE is increasingly being integrated into both formal and non-formal education programs.

Examples include:

1. **University of California, Berkeley**
2. **Yale University**
3. **University of Cambridge**
4. **Youth and Environment Europe Education Projects**
5. **UNESCO's Environmental Education Programs**
6. **Community-Based Environmental Education Projects**

Good practices

Environmental education for children in rural areas in Kosovo

"7Arte ne rrota" is an initiative in Kosovo. It aims to deliver environmental education to children in rural areas of Mitrovica and other marginalised groups (such as children with Down Syndrome and children of Roma, Ashkali, and Egyptian communities) through engaging art- and culture-based workshops. This initiative aims to promote environmental awareness, and sustainability, and encourage active engagement among participants. Through interactive activities like art workshops, movie screenings with environmental topics, and debates, the project seeks to enhance children's understanding of environmental challenges and solutions. It also aims to integrate these groups into broader community activities, providing them with a sense of inclusion and participation. Ultimately, the initiative attempts to create a lasting impact by instilling sustainable practices and environmental protection among the youth and marginalised communities, encouraging them to contribute positively to their local environment.



Recommendations



Implement Inclusive Educational Practices

Advocate for inclusive educational practices that serve diverse learning needs. This includes developing curricula and teaching methods that accommodate students with disabilities and those from marginalised communities, ensuring that everyone has access to quality education.



Collaborate with Educational Organizations

Work with organisations that focus on education reform and development. These collaborations can lead to the implementation of pilot projects, development of new educational materials, and creation of programs tailored to the needs of different communities, enhancing the reach and impact of both formal and non-formal education.

Guidelines and articles on development of good practices related to the topic:

- [Synergies between formal and non-formal education: an overview of good practices](#)
- [Guidelines for the development of non-formal environmental education](#)



Monitoring and reporting

Monitoring

To effectively monitor, evaluate, and report on the activities and recommendations mentioned in the document "Current Realities, Good Practices, and Ways Forward," the following strategies can be implemented:

Establish clear indicators

- Define Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) indicators for each activity.
- Examples of indicators include the number of demonstrations held, coalition meetings, boycotts organised, community workshops conducted, and youth engagement activities.

Regular Data Collection

- Use surveys, interviews, and observation methods to collect data regularly.
- Engage community members and participants in providing feedback through questionnaires and feedback forms after each activity.



Evaluation

Conduct Baseline and Endline Surveys

- Conduct baseline surveys before the implementation of activities to understand the initial conditions.
- Carry out endline surveys to measure the impact of the activities against the baseline data.
 - These evaluations can include physical and emotional check-ups with the members of the youth organisations you are in;
 - It can be useful to evaluate the actions based on their political, social and legal impact;
 - It is important to evaluate what can be improved and how to improve it for future actions.

Mid-term and Final Evaluations

- Perform mid-term evaluations to assess progress and make necessary adjustments based on the results collected.
- Conduct final evaluations to measure the overall success and impact of the activities.
- Use mixed-methods: Combine quantitative methods (e.g., surveys, statistical analysis) and qualitative methods (e.g., focus groups, case studies) to get a comprehensive understanding of the outcomes.

Reporting

- Conduct an annual report with information on activities held, and info-graphics to assess the number of participants, direct and indirect beneficiaries, impacts on local, regional, national and international level.
- Post success stories, photos of the activities on social media to inspire people to participate in similar actions.



5 Time to take action!

To finalise this toolkit we reaffirm that living in a clean, healthy and sustainable environment can only be achieved through respecting, protecting and promoting the RtHE in all legal frameworks. By adopting an additional protocol on the RtHE to the ECHR, the CoE would show a clear understanding of youth concerns and would legitimate their demands for a more sustainable future. The RtHE would become an instrument to make the ECHR more apt to meet the rights of, among others, young people, highlighting its living character and its alignment with all the other international, regional and national instruments. CSOs and NGOs that resonate with this objective should therefore consider joining existing campaigns and other advocacy efforts.

Additionally, it is imperative to note that human rights and a healthy environment are intertwined, one should not be conceived without taking into account the other. A healthy environment entails many requirements that States and shareholders need to take into account and to guarantee for individuals. It is also essential to note that local realities must be granted visibility to showcase the way that respective communities navigate the climate crisis and advocate for the RtHE. In regards to mechanisms to move forward, it is important to recognise links between different types of actions, and how they can support one another.

Last but not least, education and awareness campaigns are crucial tools that must be put on a pedestal as educational programs, training sessions, capacity-building and awareness campaigns to involve youth workers in decision-making processes are essential milestones to politically enable young people to advocate for the recognition of the RtHE as a fundamental and inalienable right.



APPENDIX

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Environmental NGOs in Europe that could help with action

- [Climate Litigation Network](#) (International)
- [Greenpeace International](#) (International)
- [European Environmental Bureau](#) (Europe)
- [Federation of Young European Greens](#) (Europe)
- [Youth and Environment Europe](#) (Europe)
- YES-Europe
- [Cooperation and Development Network Eastern Europe](#) (Eastern Europe)
- [Climate Action Network](#)
- [Center for International Environmental Law](#)
- [IDEA International Dialogue for Environmental Action Public Association](#) (Azerbaijan)
- [ZERO - Associação Sistema Terrestre Sustentável](#) (Portugal)
- [Sciaena](#) (Portugal)
- [Último Recurso](#) (Portugal)
- [Quercus](#) (Portugal)
- [Rewilding Europe](#) (Europe)



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