SPECIAL PROCEDURES
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HUMAN RIGHTS COUNCIL

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Mandates of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, the Special Rapporteur on the promotion and protection of human rights in the context of climate change, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation.

12 October 2026

Respected Committee of Ministers of the Council of Europe,

We, the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the UN Special Rapporteur on the human rights to safe drinking water and sanitation are honoured to address you again in relation to the process at the Council of Europe on the recognition of the human right to a clean, healthy and sustainable environment in a legally binding instrument.

During the last few years these mandates have closely followed up this process highlighting the importance of the Council of Europe to advance in this recognition. The urgency and relevance have never been so clear. The severe impacts of climate change in Europe, as demonstrated by the recent unprecedented heat waves, including the thousands lives lost related with them, evidenced that this recognition cannot wait any longer. Particularly considering the legal certainty in international law of the status of this right, with the International Court of Justice unanimously concluding that the right to a healthy environment is essential for, a precondition and inherent for the enjoyment of all other human rights (ICJ Advisory Opinion of 23 July 2025)[1]. It is meaningful to see the recent increasing support for the recognition of this right, including from the Council of Europe Commissioner for Human Rights[2] and the Secretary General of the Council of Europe[3]. Therefore, it is vital and urgent that States at the Council of Europe decide to start a process to expressly recognise the human right to a healthy environment, through a legally binding instrument, without further delay.

The human right to a clean, healthy and sustainable environment is a well-established human right, recognized through decades of international legal developments, general State practice, and jurisprudence. Five years ago, the Human Rights Council recognised a clean, healthy and sustainable environment as a human right, a historic resolution (A/HRC/RES/48/13) that was then followed by the UN General Assembly

[1] International Court of Justice. Advisory Opinion on Obligations of States in respect of climate change. Page 5. 23 July 2025.
[2] https://rm.coe.int/intervention-at-the-first-european-environmental-human-rights-defender/48802c0a46
[3] "Environment is the foundation of our rights and freedoms" – Alain Berset - Portal

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(A/RES/76/300). These decisions were possible thanks to the important leadership of European States including Slovenia and Portugal, and the voting in favour of all European States.

Today, the right to a clean, healthy and sustainable environment is recognised by 166 States through constitutional provisions, national legislation, international treaties, or judicial decisions, reflecting a broad and growing international consensus[4]. Among the Council of Europe, most States already recognise this right, with 28 States out of 46 States expressly recognise this right in their constitutions or national legislation. Moreover, 41 of 46 Member States recognise this right and the rights to access of information, public participation and access to justice as human rights, through the ratification of the Aarhus Convention.

For several years, the Council of Europe has been examining whether, and by what means, the human right to a healthy environment should be expressly recognised. The recent Advisory Opinion of the International Court of Justice provided clear and unanimous guidance on the importance of this right, and its fundamental role in enabling States to comply with their human rights obligations. In its Advisory Opinion, the International Court of Justice affirmed that the environment is the foundation for human life for present and future generations , and therefore, a precondition of the enjoyment of human rights.[5] The Court further recognized that the right to a clean, healthy, and sustainable environment is essential for, and a precondition for the effective enjoyment of all human rights, reflecting the interdependence between human rights and environmental protection.[6] The Court emphasized that a healthy environment is fundamental for States to fulfil their obligations to respect, protect and ensure the enjoyment of all other human rights.

"the Court is of the view that a clean, healthy and sustainable environment is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living, including access to water, food and housing. The right to a clean, healthy and sustainable environment results from the interdependence between human rights and the protection of the environment. Consequently, in so far **as States parties to human rights treaties are required to guarantee the effective enjoyment of such rights, it is difficult to see how these obligations can be fulfilled without at the same time ensuring the protection of the right to a clean, healthy and sustainable environment as a human right**. **The human right to a clean, healthy and sustainable environment is therefore inherent in the enjoyment of other human rights.** The Court thus concludes that, under international law, the human right to a clean, healthy and sustainable environment is essential for the enjoyment of other human rights."

Thus, in its historic and unanimous decision, the International Court of Justice clearly affirmed both the existence and importance of recognising the right to a clean, healthy and sustainable environment as a human right, for the enjoyment of all other human rights. Therefore, the legal recognition of this right within the Council of Europe constitutes a necessary and timely step, as several mandate holders have already

[4] A/HRC/58/59, The ocean and human rights - Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, para. 10, March 2025.
[5] International Court of Justice. Advisory Opinion on Obligations of States in respect of climate change. Para. 373. 23 July 2025.
[6] International Court of Justice. Advisory Opinion on Obligations of States in respect of climate change. Paras. 390 - 393. 23 July 2025.

emphasized.[7] While the European human rights system remains the only regional system that has not formally integrated this right, the legal and normative foundations for its recognition are already firmly established, including at the regional level.

A healthy environment encompasses substantive elements, including clean air; safe and sufficient water; adequate sanitation; healthy and sustainable food; non-toxic environments in which people can live, work, learn and play; healthy ecosystems and biodiversity; and a safe climate. A healthy environment also comprises the procedural elements of access to information, public participation and access to justice.[8]

This strong regional consensus underscores the need for the Council of Europe to consolidate and strengthen existing commitments through a legally binding instrument, explicitly recognizing and protecting the human right to a clean, healthy and sustainable environment. Such recognition would strengthen accountability, improve environmental protection, and provide a clearer and more coherent framework for the protection of human rights in the context of environmental harm and climate change. Moreover, an express recognition of the right to a healthy environment through a legally binding instrument will be aligned with the mandate provided by the Head of States and Government of the Council of Europe, in the Reykjavik Declaration, in May 2023.[9]

The express recognition of the right to a clean, healthy and sustainable environment would also provide greater legal certainty for the European Court of Human Rights. Through almost 400 judgments and decisions concerning environmental matters[10], the Court has significantly advanced the protection of human rights in environmental contexts. However, its jurisprudence remains constrained by the limited range of rights expressly recognized under the Convention. Therefore, as several cases have evidenced, the express recognition of the human right to a healthy environment, would enable both States and the Court to ensure a more effective, consistent, and integral analysis of the interdependence between human rights and environmental protection.

At a time of accelerating climate change, biodiversity loss and pollution, and growing environmental injustice affecting people in vulnerable situations, the Council of Europe has both the opportunity and the responsibility to align its human rights system with existing global standards and the reality already recognized by the vast majority of its Member States. Explicit recognition of the human right to a clean, healthy and sustainable environment would provide an essential legal foundation for safeguarding human dignity, equality and environmental justice for present and future generations. Therefore, we are urging the Committee of Ministers to make decisive progress towards a legally binding instrument that recognizes the human right to a clean, healthy and sustainable environment.

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[7] *Letter to the Committee of Ministers of the Council of Europe* from Mandates of the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation. 13 November 2024.
See also Astrid Puentes Riaño, David Boyd and John Knox, *Il faut inscrire le droit à un environnement sain dans le système des droits humains,* LaCroix, published on 5 November 2024 in French and English.

[8] A/HRC/37/59 (2018); A/HRC/43/53 (2019); A/79/270(2024); A/80/187 (2025)

[9] Reykjavik Declaration. Fourth Summit of the Heads of State and Government of the Council of Europe. May 2023.

[10] https://ks.echr.coe.int/documents/d/echr-ks/guide_environment_eng.

We will continue to closely follow up and support this process, with a view to ensuring that people across Europe can finally enjoy the explicit recognition of the right to a clean, healthy and sustainable environment within their regional human rights system . Such recognition would complement existing legal and policy responses, strengthen the protection of human rights in the face of environmental challenges, and help address the growing impacts of pollution, climate change and biodiversity loss that have become increasingly evident in recent months and years.

Respectfully,

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Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

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