24 May 2024

**Contribution of the Council of Europe to the call for input – UN Special Rapporteur on the promotion and protection of human rights in the context of climate change - “Access to information on climate change and human rights”**

*Question 1: What kind of information should be collected and shared to identify and prevent negative impacts on human rights arising from climate change and climate change response measures? What kind of information can be particularly challenging to access and why?*

According to the Council of Europe [Landscape Convention](https://www.coe.int/en/web/landscape) (*Florence Convention*), landscape quality has a determining effect on the realisation of human rights related to well-being, health and quality of life. It is therefore essential to collect information on landscape degradation due to climate change. This information should particularly address phenomena such as erosion, landslides, floods and fires, emphasising the negative impact these phenomena have on landscape quality, in addition to the material damage caused.

*Question 2: Are existing approaches to collect, share and monitor information on climate change and human rights sufficient for the public to assess the magnitude of actual and potential negative impacts on their human rights, and the adequacy of States’ responses to these risks? How can these approaches be improved?*

Existing approaches to collecting, sharing and monitoring information on climate change and human rights could benefit from an improved assessment of risks to landscape quality.

The Landscape Convention offers schemes of work in this direction, especially with regard to access to information and participation of populations in public decision-making in relation to the landscape dimension of the territory. Within this framework, information on the effects of climate change on the landscape and, consequently, on risks to the realisation of human rights related to well-being, health and quality of life could usefully be developed.

*Question 4: Are there examples in which international cooperation effectively supported public access to information on climate change and human rights? What are the challenges in implementing UNFCCC Articles 4 (public access to information) and 6 (public awareness), and Paris Agreement Article 12 (public access to information), and other international instruments and processes that can support/contribute to international cooperation on access to information on climate change and human rights?*

On 18 November 2016, the Standing Committee of the[Bern Convention](https://www.coe.int/en/web/bern-convention) on the Conservation of European Wildlife and Natural Habitats adopted its  [Recommendation No.187 (2016)](https://search.coe.int/bern-convention/Pages/result_details.aspx?ObjectId=090000168074629a) on communicating on climate change and biodiversity, in which it recognised the need to improve awareness of the strong relationship between climate change and biodiversity and the ecosystem services it underpins. The Standing Committee of the Bern Convention recommended that Contracting Parties to the Bern Convention:

1. take the necessary action to communicate the urgent need to enforce action in the field to manage biological diversity in the face of climate change, and in particular to communicate the need to enforce and facilitate the use of climate change adaptive management for protected areas and the monitoring of climate change impact on species and habitats, where possible;

2. take the [Manual on communicating climate change and biodiversity to policy makers](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807463f2) mentioned above into account when raising awareness and preparing information campaigns.

Climate change has already transformed risk patterns by modifying the fre­quency of extreme weather events, but in certain regions, such as coastal areas, it also influences the level of vulnerability itself. Moreover, changes to land use, in particular deforestation and urbanisation, contribute to increasing the potential threat to people, property and the environment. In that context, [EUR-OPA Major Hazards Agreement](https://www.coe.int/en/web/europarisks/home)’s Medium-Term Plan 2021-2025 promotes a human rights-based and community-led approach ensuring in particular that the most vulnerable groups are not left behind when it comes to disasters.

Mindful of the challenges that the most vulnerable persons within our societies face, the Agreement undertook, in 2023, a reflection on the use of traditional and social media and their use to identify risks and to disseminate information amongst the population on the best practices to prevent disasters from occurring and the measures to take when the disasters do occur. The EUR-OPA’s Committee of Permanent Correspondents adopted a [Recommendation 2023-1](https://rm.coe.int/apcat-2023-01rec-recommendation-on-social-media-in-drr-en/1680adcb90) on the use of social media to support national measures for successful disaster risk communication. EUR-OPA recommends, *inter alia*, that (i) disaster risk reduction policy and practices be based on trust between citizens and public institutions by encouraging the recognition of citizens as the first link in the crisis management operational chain and fighting against the informational disorder, (ii) as part of prevention and preparedness measures, authorities should make regular use of mobile networks, cell broadcast and social media in their awareness raising and communication campaigns to build trust of the public, (iii) civil society must be prepared to use actively social media during a disaster in order not to be limited to the reception of key messages from official institutions, but rather by integration of citizen-led initiatives, and - last but not least – (iv) data obtained through social media should be used as an additional situational assessment tool to obtain clearest vision of the disaster on the field and scale up or down the response measures accordingly.

The Committee of Ministers of the Council of Europe adopted [Recommendation CM/Rec(2022)20](https://rm.coe.int/recommandation-cm-rec-2022-20-sur-les-dh-et-la-protection-de-l-environ/1680a952a4) to member States on human rights and the protection of the environment in September 2022. It builds on a number of existing instruments; of particular relevance in the present context, these include Council of Europe instruments, notably the European Convention on Human Rights and the Convention on access to official documents (the Tromsø Convention), and UN instruments including the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Paragraph 4 of Recommendation CM/Rec(2022)20 states that “Member States should ensure access without discrimination, *inter alia*, to information and justice in environmental matters, participation in environmental decision making and environmental education.” This provision is further developed in Section F/ paragraphs 26 – 31 of the accompanying explanatory report, which sets out the principle that “Access to information is essential if the public is to be fully aware of environmental matters that may adversely affect their rights.” The explanatory report goes on to say that “Those Council of Europe member States that are not parties to the Tromsø Convention or the Aarhus Convention may consider taking their provisions as examples of widely accepted and applied good practice on access to information in environmental matters.”

The Tromsø Convention establishes a general right of access to all information recorded in any form, drawn up or received and held by public authorities, without discrimination. This necessarily includes such information relating to environmental matters. The Tromsø Convention has been ratified by 15 Council of Europe member States and signed but not yet ratified by a further 6.[[1]](#footnote-1) It is open to accession by non-member States. The earlier Committee of Ministers [Recommendation Rec(2002)2](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804c6fcc) to member States on access to official documents takes a similar approach to that taken by the Tromsø Convention.

The explanatory report to Recommendation CM/Rec(2022)20 also refers to the caselaw of the European Court of Human Rights (the Court) in relation to the right of access to information on environmental matters under Articles 2 (right to life) and 8 (right to respect for private and family life, home and correspondence) of the European Convention on Human Rights. The Court’s caselaw in this area is described in detail in the [Manual on Human Rights and the Environment](https://rm.coe.int/manual-environment-3rd-edition/1680a56197) drawn up by the Council of Europe Steering Committee for Human Rights (3rd edition, 2022; see Chapter IV) (the Manual).

The Manual covers the Court’s caselaw in relation to issues including: States’ duty to adequately inform the public about any life threatening emergencies, including natural disasters; the importance of access to information for individuals in order to allay their fears and enable them to assess the environmental danger to which they may be exposed; the requirement that when public authorities engage in dangerous activities which they know involve adverse risks to health, they must establish an effective and accessible procedure to enable individuals to seek all relevant and appropriate information; and the need for the public to have access to the results of any environmental and health impact assessments that may be carried out.

*Question 6: What are the impacts on human rights of inadequate access to information from public authorities and/or business? Are there concrete examples of, or specific challenges in, collecting and sharing information on disproportionate levels of actual and potential harm from climate change and climate change response measures (disaggregated data on Indigenous Peoples, women, children, local communities, persons with disabilities, older persons, persons living in extreme poverty, others)?*

On 9 April 2024 the Grand Chamber of the European Court of Human Rights delivered its judgment in the case of [*Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*](https://hudoc.echr.coe.int/eng?i=001-233206). The case concerned a complaint brought by four women and a Swiss association, Verein KlimaSeniorinnen Schweiz, whose members are concerned about the impact of global warming on their living conditions and health. They alleged that the Swiss authorities were not taking sufficient action to mitigate the effects of climate change.

The Court held that the European Convention on Human Rights encompasses a right to effective protection by the State from the serious adverse effects of climate change on lives, health, well-being, and quality of life. However, it found that the four individual applicants did not meet the victim-status criteria under Article 34 of the Convention and declared their complaints inadmissible. In contrast, the applicant association had the right to bring a complaint.

The Court ruled that there had been a violation of the right to respect for private and family life under the Convention (violation of Article 8), as well as a violation of the right of access of the applicant’s association to a court with a complaint concerning the effective implementation of mitigation measures under existing domestic law (violation of Article 6 § 1). It found that the Swiss Confederation had failed to comply with its positive obligations under the Convention regarding climate change.

The judgment has been transmitted to the Committee of Ministers for supervision of its execution. The initial choice of supervision track (standard or enhanced) will be decided during the next Committee of Ministers' Human Rights meeting (11-13 June 2024). The Swiss authorities are expected to submit an Action Plan/Report by 9 October 2024. The most up-to-date information on the execution of this case can be found at: <https://hudoc.exec.coe.int/eng?i=004-65565>[[2]](#footnote-2).

1. Ratified by Albania, Armenia, Bosnia and Herzegovina, Estonia, Finland, Hungary, Iceland, Lithuania, Montenegro, Norway, Republic of Moldova, Slovenia, Spain, Sweden, and Ukraine; signed by not yet ratified by Belgium, Georgia, Latvia, North Macedonia, San Marino, and Serbia. [↑](#footnote-ref-1)
2. The information is being updated, the link will be functional in the next few days. [↑](#footnote-ref-2)