



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Conference on Human Rights for the Planet

Opening remarks by Linos-Alexander Sicilianos

Strasbourg, 5 October 2020

Dear Secretary General,

Dear Presidents,

Dear colleagues,

Excellencies,

Dear friends,

It is a great pleasure for me that this Conference, carefully planned and organised by a committed team from the Registry, initially under the Georgian Chairmanship and now under the Greek one, can finally take place today.

As it was said by President Spano, the climate emergency is an existential crisis without frontiers. It has a planetary remit. The title of the Conference - Human Rights for the Planet - is meant to reflect this global environmental urgency.

1. The interaction between human rights and the environment becomes more and more obvious over the years, including in the case law of the European Court of Human Rights. Under Article 8 of the Convention - right to respect for private life and home - the Court has examined a series of cases concerning air pollution and many other forms of environmental degradation. After all, our "home" is not only our place of residence. Our "home" is also the environment in which we live.

The case law of international tribunals will be the topic of our first panel today, which will discuss the so-called anthropocentric and the ecocentric approaches to human rights. These two approaches should not be seen as conflicting ones, but as mutually reinforcing. The anthropocentric approach is an approach centered on the human being - άνθρωπος in Greek. It is not and it should not be an egocentric, an individualistic or an egoistic approach. When examining cases under the right to property, for instance, the Court has often accepted limitations of this individual right, taking into account the general interests of society at large, including especially the protection of the environment.

The ecocentric approach, on the other hand, derives from the Greek word "οικοκεντρικός". "Οίκος" in Greek means "home". In other words, the so-called ecocentric approach is the one centered on

the protection of our common home, our environment, our planet. Striking the right balance between individual rights and general interests, this is the real challenge and this is exactly the lens through which the Court has examined a number of environmental cases under a series of Articles of the Convention and its Protocols.

2. This brings me to the second panel of our conference. It deals with an aspect of central importance for striking this balance, the so-called environmental democracy. By this term we mean the participation of civil society in the environmental protection process, the right to information about environmental risks and other related rights. Participation rights have been recognized in the Aarhus Convention and in the case law of our Court. Are they sufficient? What is the attitude of State authorities in this respect? Do we need to strengthen the relevant legal framework? What about the *locus standi* of individuals and NGOs before national and international courts and tribunals? In *Cordella v. Italy* the Court, without recognising an *actio popularis*, tried to take into account the broader context: the impact of pollution to the entire community of all the people concerned. Will this help provide an adequate response? These are some of the questions to be dealt with by our speakers.

3. The third panel will try to further explore other issues related to national and international litigation. What is the role of the judiciary in cases of air pollution and environmental disasters? Is criminal law an effective tool for the protection of the environment? Does Article 6 of the Convention on the right to fair trial offer an effective legal basis for our Court to supervise the fairness of domestic proceedings in environmental cases? What about the execution of our own judgments in such cases? What would be the most effective mechanism for the supervision of execution of this particular type of judgments?

4. Last but not least, the question arises whether climate change and the protection of the environment is a political matter or a human rights issue. Without wishing to pre-empt our distinguished speakers, I would say that it is both. Effective action to protect the environment presupposes a strong political will. A real commitment to achieve the necessary goals. Only last week the EU and 64 States signed a political declaration so as to give an impetus to the UN Summit on Biodiversity. We shall see whether States will take the necessary measures to honour their own commitments. At the same time, a robust human rights approach is equally necessary to foster a transformative change in respect of environmental protection. What, therefore, would be the role of our Court in this context? Do we need a new Protocol to the European Convention on the Protection of the Environment?

I am confident that today's Conference will stimulate dialogue on these and other important issues and will contribute to put the environment squarely on the agenda of the Council of Europe and its member States. The fact that this planetary existential issue is among the priorities of the Georgian, the Greek and the German Presidencies of the Committee of Ministers seems to suggest that there is a political will for this Organisation to more effectively contribute to environmental protection.

I thank you for your kind attention.