

# ***Environmental and Human Rights: Linkages in International Law***

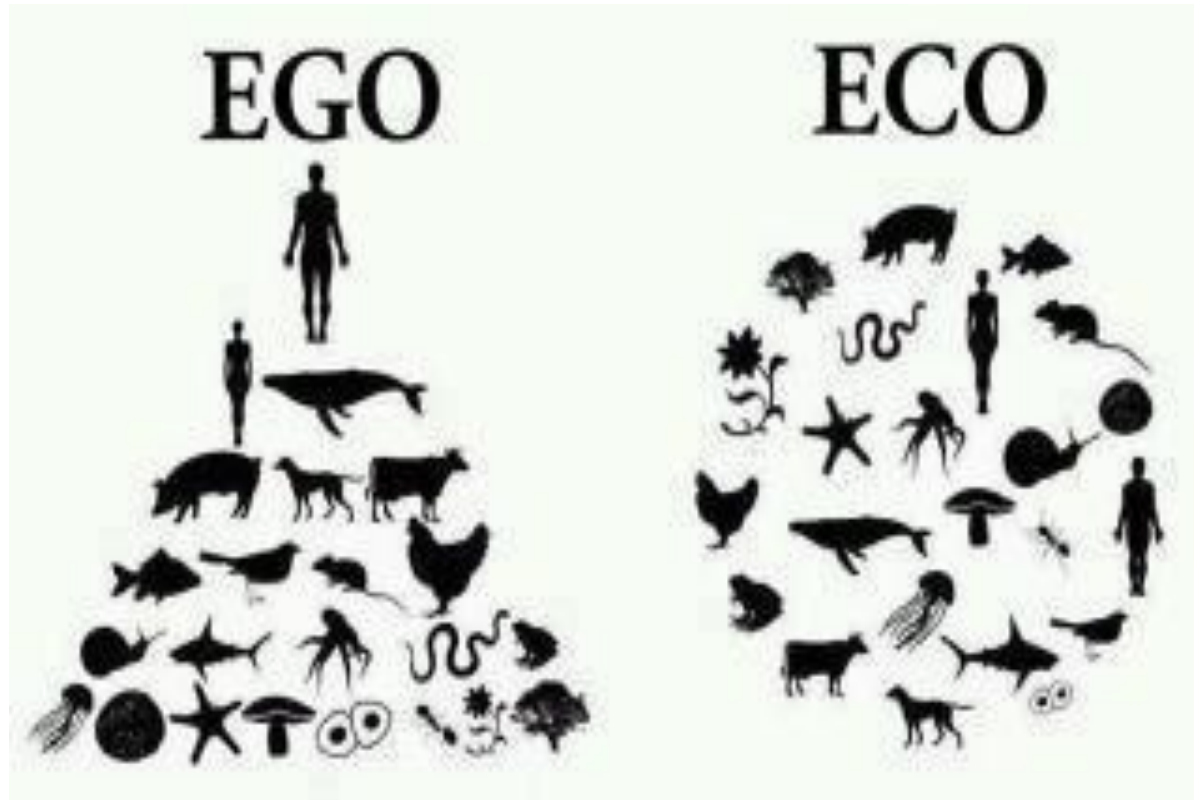
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***Presentation at Regional Workshop in  
Tbilisi 19-20 February 2015***

***Professor Jan Darpö  
Faculty of Law/  
Uppsala Universitet***



# *Law is a reflection of the changing world outlook*



(Source: permaculturepower  
<http://permaculturepower.wordpress.com/2012/03/15/wrong-right/>)

# *Development of the modern international protection: international perspective*



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## **Protecting individuals**

- 1948: Universal Declaration of Human Rights (UDHR)
- 1966: Covenant on Civil and Political Rights (CCPR) - classic rights
- 1966: Covenant on Economic, Social and Cultural Rights (CESCR)
- 1966: Convention on the Elimination of All Forms of Racial Discrimination
- 1979: Convention on the Elimination of All Forms of Discrimination against women
- 1989: Convention on the Rights of the Child

## **Protecting the environment**

- 1972: the Declaration of the United Nations Conference on the Human Environment
- 1992: the Rio Declaration on Environment and Development
- 2000: Millennium Development Goals
- 2002: Johannesburg Declaration on Sustainable Development

# *Development of the modern international protection: regional perspective*



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## **Protecting individuals**

- 1950: Convention for the Protection of Human Rights and Fundamental Freedoms
- 1952: First Protocol to the Convention
  - ✿ Case law of ECtHR

## **Protecting the environment – “Environment for Europe” process**

- 1998: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (4th Ministerial Conference in Aarhus)
- 2003: Protocol on Pollutant Release and Transfer Registers
- 2005: Amendment to the Convention regarding genetically modified organisms (Art.6bis and Annex I bis)



# Outlook 2015

- The **Aarhus Convention** has **47 Parties** (almost all countries in Europe, Caucuses and Central Asia)...
- The **PRTR** has **33 Parties** and the EECCA countries show the interest in this instrument...
- The **GMO** Amendment has **28 Parties**...
- The **Human Rights Council** adopts Resolution 19/10 “**Human Rights and the Environment**”, introducing **an independent expert** on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment



# *European Convention on Human Rights (ECHR)*

## **Article 6**

- (E)veryone is entitled to a **fair and public hearing** within a **reasonable time** by an **independent and impartial tribunal** established by law...

## **Article 8**

- Everyone has the right to **respect for his private and family life, his home** and his correspondence.

## **Article 13**

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an **effective remedy**...



# ***ECtHR on A2J and the environment***

- **Lopez Ostra v. Spain (ECtHR 1994-12-09)**
- Guerra v. Italy (ECtHR 1998-02-19)
- **Hatton ao v. United Kingdom (ECtHR 2001-10-02 och ECtHR/GC 2003-07-08)**
- Kyrtatos v. Greece (ECtHR 2003-05-22)
- **Fadeyeva v. Ryssland (ECtHR 2005-06-09)**
- Ledyayeva ao v. Russia (ECtHR 2006-10-26)
- Taşkin ao v. Turkey (ECtHR 2004-10-10)
- Öçkan ao v. Turkey (ECtHR 2006-03-28)
- Giacomelli v. Italy (ECtHR 2006-11-12)
- Moreno Gomez v. Spain (ECtHR 2004-11-16)
- Dubetska ao v. Ukraine (ECtHR 2011-02-11)



# ***ECtHR on reasonable time and effective remedy***

- **Matti Eurén v. Finland (Art. 6)**  
ECtHR 2010-01-19; 26654/08
- **Kuppinger v. Germany (Art. 8 & 13)**  
ECtHR 2015-01-15; 62198/11
- **CJEU on the Charter of Fundamental Rights of the European Union (2010)**





# ***ECtHR/3C about the environment as a human right***

In addition, **the close connection between human rights protection and the urgent need for a decontamination of the environment leads us to perceive health as the most basic human need and as pre-eminent.** After all, as in this case, what do human rights pertaining to the privacy of the home mean if, day and night, constantly or intermittently, it reverberates with the roar of aircraft engines?



....and finally...

**THANK YOU FOR LISTENING..!**



[jan.darpo@jur.uu.se](mailto:jan.darpo@jur.uu.se)

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