

## Environmental Protection and Human Rights: Role and Case Law of the ECtHR

SEMINAR FOR LEGAL PRACTITIONERS  
Strasbourg, 8-9 November 2018

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Environmental  
Law**



### Speakers

**Anders Bengtsson**, Senior Judge, Land and Environment Court, Växjö

**Natalia Kobylarz**, Senior Lawyer at the Registry of the ECtHR, Strasbourg

**Tina Korosec**, Assistant Lawyer at the Registry of the ECtHR, Strasbourg

**Ole Pedersen**, Reader in Environmental Law, Newcastle Law School, Newcastle

**Birgit Peters**, Junior Professor, University of Rostock, Rostock

**Lawyer**, ClientEarth, Brussels\*

\*to be confirmed

### Key topics

- Environmental protection in the ECHR system
- Environmental disasters, nuisances and industrial pollution before the ECtHR
- Procedural rights to obtain information in environmental matters
- The right to exercise free speech and the freedom of assembly regarding the environment
- Judicial review of policies threatening the environment
- Positive obligations under Articles 2 and 8 ECHR
- Right to a healthy environment

### Venue

ERAGE  
4 Rue Brûlée  
Strasbourg, France

### Language

English

### Event number

418D92

### Organiser

Cecilia Holmsten, ERA



With the support of the Erasmus+  
programme of the European Union

# Environmental Protection and Human Rights: Role and Case Law of the ECtHR

Thursday, 8 November 2018

## OPTIONAL VISIT TO THE EUROPEAN COURT OF HUMAN RIGHTS

The visit will include the screening of a documentary.

- 10:30 Arrival at the ECtHR main building
- 10:45 Film about the Court
- 11:00 General presentation about the role and the work of the Court
- 12:00 End of the visit

## START OF THE PROGRAMME

### I. SETTING THE SCENE

- 13:00 Arrival and registration of participants at the  
École régionale des avocats Grand-Est  
4 Rue Brûlée  
Strasbourg
- 13:30 **Welcome and introduction**  
*Cecilia Holmsten, ERA*
- 13:45 **Introduction to the protection of the environment in the ECHR system**
- The human rights approach to environmental protection
  - The protection of human rights and the environment at European level
  - Unpacking the role of the ECtHR
- Ole Pedersen*
- 14:15 Discussion

### II. ENVIRONMENTAL PROTECTION IN THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

- 14:30 **The right to life (Article 2 ECHR), the protection from inhuman or degrading treatment (Article 3 ECHR) and the right to liberty and security (Article 5 ECHR)**
- Limited legal basis for environmental protection
  - Positive obligations to safeguard life arising under Article 2 ECHR
  - *Cordella and others v. Italy*
- 15:00 Discussion
- 15:15 Coffee break
- 15:45 **The right to private and family life and the home (Article 8 ECHR)**
- Scope of the protection for environmental matters
  - Types of damages: industrial pollution, noise pollution, waste management, water supply contamination, environmental disasters, urban development
  - Precautionary principle
  - Right to information under Article 8 ECHR
  - Positive obligations under Article 8 ECHR
  - *Jugheli and Others v. Georgia, Genc and Demirgan v. Turkey*
- Natalia Kobylarz*
- 16:30 Discussion
- 16:45 **The right to private property (Article 1 of the Additional Protocol)**
- Restrictions to the use of property for environmental reasons
  - *Malfatto and Mieille v. France, Kristiana Ltd v. Lithuania, O' Sullivan McCarthy Mussel Development Ltd v. Ireland, Beinarovic and Others v. Lithuania*
- Natalia Kobylarz*

## Objective

This seminar will provide participants with a comprehensive overview of the case law on environmental protection as developed by the European Court of Human Rights (ECtHR).

## Who should attend?

Lawyers in private practice, judges, European and national civil servants, staff of NGOs and other legal practitioners dealing with human rights and environmental matters.

## You will learn...

- about the complexities and challenges in the field of human rights and the environment
- how the ECtHR case law guarantees a minimum level of environmental protection
- how environment is protected under the dynamic and constructive interpretation of Articles 6 and 8 ECHR
- about the perspectives for a 'right to a healthy environment'

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **6 CPD hours**.

## Important note

Please foresee enough time (at least 15 minutes) before the Court visit for the **security check** at the entrance. Bring your **ID card** or other form of identification. No luggage can be brought into the Court's building.

## Your contact persons



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Course Director  
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Sabine Framing  
Assistant  
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**17:15 The freedom of expression and information (Article 10 ECHR) and the freedom of assembly and association (Article 11 ECHR)**

- Strengthening ecological activism?
- *Costel Popa v. Romania*  
*Lawyer, ClientEarth*

17:45 Discussion

18:00 End of first seminar day

19:30 Dinner

## Friday, 9 November 2018

### III. ENVIRONMENTAL PROTECTION IN THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS (cont.)

**09:30 The right to a fair trial (Article 6 ECHR)**

- Access to court and access to environmental information
- The challenging requirement of a “civil right”
- Failure to enforce final judicial decisions
- *Bursa Barosu Baskanligi and Others v. Turkey*
- Interrelation with the Aarhus Convention  
*Birgit Peters*

10:00 Discussion

### IV. EFFECTIVE ENVIRONMENTAL PROTECTION AND THE EVOLVING ROLE OF THE EUROPEAN COURT OF HUMAN RIGHTS: THE WAY FORWARD

**10:15 A European right to a healthy environment?**

- “Greening” the existing human rights
- Establishment of substantive environmental rights
- Experiences and practices from international law  
*Ole Pedersen*

10:45 Discussion

11:00 Coffee Break

**11:30 Environmental litigation and the ECHR before national courts**

- Principles of human rights
- Environmental principles
- Procedural principles/rights.  
*Anders Bengtsson*

12:00 Discussion

### V. PRACTICAL TIPS

**12:15 Submitting a case to the ECtHR: misconceptions and best practice**

- Admissibility criteria
- Interim measures
- Practical case study  
*Tina Korosec*

12:45 Discussion

13:00 End of seminar

## Dinner

After an intensive day of training on 8 November 2018 you are invited to a joint dinner at no extra cost.

## How to travel to Strasbourg

Shuttle services or trains from the airports of Strasbourg (15 minutes), Karlsruhe/Baden-Baden (60 minutes), Basel-Mulhouse (80 minutes) and Frankfurt International (2.5 hours) to Strasbourg city/main station are available. Strasbourg is also well served by regional, national and international train services.

## Upcoming events

### Freedom of Religion: Recent ECtHR and CJEU Case Law

Strasbourg, 18-19 October 2018

### Environmental Liability Directive under Scrutiny

Brussels, 29-30 November 2018

### Recent Case Law of the European Court of Human Rights in Criminal Matters

Trier, 6-7 December 2018

## e-Presentations on Environmental Law

### Scoping, Reporting and Monitoring under the EIA Directive

Peter Vajda and Gijs Hoevenaars

### Enforcement and Judicial Control under the EIA Directive

Marc Clément

### Recent CJEU Case Law Related to the EIA Directive

Christoph Sobotta

### The Place of Environmental Impact Assessment in Decision-Making

Jerzy Jendrośka and G.A.J.M. (Gijs) Hoevenaars

For programme updates: [www.era.int](http://www.era.int)

Programme may be subject to amendment.

# Registration

## Environmental Protection and Human Rights:

## Role and Case Law of the ECtHR

Strasbourg, 8-9 November 2018 / Event Number: 418D92



### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?128273&en](http://www.era.int/?128273&en)

Postal address:  
ERA  
Postfach 1640  
D-54206 Trier

### Location

ERAGE  
4 Rue Brûlée  
Strasbourg, France

### Language

English

### Contact Person

Sabine Framing  
Assistant  
[sframing@era.int](mailto:sframing@era.int)  
+49 651 93737 421

I would like to register for the ERA event mentioned above.

☐ Please update my address (see below) ☐ My address (above) is correct ☐ Please delete my address

**PLEASE USE BLOCK CAPITALS:**

Title	<input type="checkbox"/> Ms	<input type="checkbox"/> Mr	Other	<input type="text"/>
First Name	<input type="text"/>			
Surname	<input type="text"/>			
Organisation	<input type="text"/>			
Position	<input type="text"/>		Tel.	<input type="text"/>
Department	<input type="text"/>			
E-Mail	<input type="text"/>			
Street	<input type="text"/>			
Postcode/City	<input type="text"/>		Country	<input type="text"/>

☐ **Evening programme:** I shall attend the dinner on 8 November (at no extra charge).

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 08/10/2018	€ 441.00 <input type="checkbox"/>	€ 264.40 <input type="checkbox"/>	€ 330.75 <input type="checkbox"/>
Registration after 08/10/2018	€ 490.00 <input type="checkbox"/>	€ 294.00 <input type="checkbox"/>	€ 367.50 <input type="checkbox"/>

#### \* EU and ERA Patrons

- Staff of European Union institutions and agencies;
- Staff of ERA's patrons (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany and the German states, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Scotland, Slovakia, Slovenia, Spain, Sweden, United Kingdom, City of Trier).
- Fellows of the European Law Institute

#### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

### Method of payment

- ☐ Credit card For registration with credit card payment please go to our website [www.era.int/?128273&en](http://www.era.int/?128273&en)
- ☐ Cheque Cheque number
- ☐ Bank transfer

I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:  
IBAN: DE145900 00 00 00 58501900 – BIC: MARKDEF1590

**Important! Please state your name and the event number on the bank transfer.**

I confirm my registration and accept the general terms and conditions: [www.era.int/legalnotice](http://www.era.int/legalnotice)

Place, Date

Signature