



**Doc. 16016**

25 June 2024

## Safeguarding human rights for future generations

### Committee Opinion<sup>1</sup>

Committee on Legal Affairs and Human Rights

Rapporteur: Ms Gala VELDHOEN, Netherlands, Socialists, Democrats and Greens Group

### A. Conclusions of the Committee

1. The Committee on Legal Affairs and Human Rights welcomes the report prepared by Mr Pedro Cegonho (Portugal, SOC) and supports the proposals of the draft resolution.
2. The report accurately notes that contemporary political decisions will have lasting impacts on future generations and respect for their human rights. It encourages States to adopt an integrated approach that takes into consideration environmental concerns, along with economic, social and cultural development. The draft resolution calls for intergenerational equity to be a guiding principle in any decision-making processes involving children, youth and the generations that will inherit the planet. The report takes stock of the progress and limitations resulting from the recent case law of the European Court of Human Rights on States' obligations related to climate change. It further recalls that the Council of Europe member States recognised, in the Reykjavik Declaration, that the path forward must take into account the interests of future generations. The draft resolution calls on member States to use this momentum to demonstrate leadership and promote discourse that develops a less anthropocentric perspective, in particular in environmental matters.
3. The committee shares the concerns expressed in the report and considers that in a rapidly developing world, more efforts should be undertaken to effectively counter climate change, which forms a part of the triple planetary crisis. Furthermore, the unprecedented technological advancement, in particular with regard to artificial intelligence, will undoubtedly affect future generations. The committee proposes to strengthen the draft resolution, by introducing specific references to the development of new technologies and loss of biodiversity.

### B. Proposed amendments

#### *Amendment A (to the draft resolution)*

After paragraph 2, insert the following paragraph:

*“Recalling its previous work on artificial intelligence, as set out in Opinion 303 (2024), the Assembly notes that the unprecedented pace of technological progress will likely become one of the key factors impacting the lives of future generations. To this end, it welcomes the adoption of the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law. The Assembly reiterates its readiness to contribute to the preparation of additional binding and non-binding instruments that will ensure that technological advancement is accompanied by respect for human rights, democracy and the rule of law.”*

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1. Reference to committee: [Doc. 15513](#), Reference 4651 of 20 June 2022. Reporting committee: Committee on Social Affairs, Health and Sustainable Development. See [Doc. 15999](#). Opinion approved by the committee on 24 June 2024.



*Amendment B (to the draft resolution)*

After paragraph 4, insert the following paragraph:

*“The Assembly notes with grave concern that human activity is threatening the extinction of one million species of plants and animals, leading to an irreversible loss of biodiversity and collapse of the ecosystem. To this end, the Assembly welcomes the adoption by the Standing Committee of the Council of Europe’s Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”) of its Strategic Plan for the period to 2030, which sets out goals for halting the declines in biodiversity, recovering wildlife and habitats, improving the lives of people and contributing to the health of the planet. The Assembly recalls that States are under a continuous international legal obligation to prevent activities on their territory causing significant harm or damage to the environment of another State or areas beyond national control.”*

*Amendment C (to the draft resolution)*

After paragraph 5.2, insert the following paragraph:

*“the swift signature and ratification of the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, encouraging them to maximise the potential of recognising the full applicability of the principles and obligations set forth therein (Chapters II to VI) to activities of private actors.”*

**C. Explanatory memorandum by Ms Gala Veldhoen, rapporteur for opinion**

**1. Introduction**

1. I would like to congratulate Mr Cegonho for his report, which provides a good summary analysis of the challenges stemming from climate change. I am particularly grateful for his clear overview of the jurisprudence of domestic and international courts and tribunals related thereto.
2. I would like to propose some amendments to the draft resolution with a view to strengthening it and expanding its scope. Although I agree that the climate change is one of the most serious challenges facing humanity, rapid technological advancement cannot be overlooked. While the development of new technologies provides unprecedented opportunities benefiting our scientific or economic progress or even the quality of day-by-day life, it also poses significant challenges. The social scoring system in China is a chilling example of how new technologies can be “weaponised” by authoritarian or totalitarian regimes to further curb individual freedoms and create a dystopian system such as one that Aldous Huxley or George Orwell imagined decades ago.
3. I also propose to add a reference to the Council of Europe’s Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”, 1979). This instrument promotes strong political commitment through implementation mechanisms in which all citizens are represented by politicians, NGOs, civil society organisations and scientists, collaborating to take action for the conservation of biodiversity at the genetic, species and ecosystem levels. The central aim of the Bern Convention is the conservation of Europe’s wild flora and fauna and their natural habitats, including vulnerable and migratory species. The Bern Convention, which celebrates its 45th anniversary in September 2024, was the first international treaty to protect both species and habitats and to bring countries together to decide how to act on nature conservation.

**2. Explanatory notes**

**2.1. Amendment A (to the draft resolution)**

This amendment aims to expand the reference to the rapid technological advancement mentioned in paragraph 2 of the draft resolution. I consider that the current youth and future generations will be particularly exposed to risks posed by new technologies, in particular by artificial intelligence. The Parliamentary Assembly has played a leading role in identifying risks posed by the development thereof, contributing to the adoption of the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law – the first such global instrument that will be opened for signature in September 2024. It

is proposed that the Assembly, in line with its Opinion 303 (2024),<sup>2</sup> reiterate its readiness to participate in the development of specific instruments that will mitigate risks for future generations, originating from the sectoral application of new technologies, in particular artificial intelligence.

### **2.2. Amendment B (to the draft resolution)**

This amendment aims to highlight a particular threat related to the climate change: the loss of biodiversity. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the health of ecosystems which we and all other species depend on is deteriorating more rapidly than ever.<sup>3</sup> A 2019 report prepared by the IPBES found that around one million animal and plant species are threatened with extinction, many within decades, that is more than ever before in human history. The Strategic Plan mentioned in the amendment<sup>4</sup> is the first Strategic Plan to be adopted for the Bern Convention as a whole. It demonstrates a new level of ambition for the period to 2030, with a clear Vision and a focused set of action priorities. As such, the Assembly should take note of this important milestone and take active part in monitoring its implementation. It is further proposed to remind States of their international legal obligation of preventing transboundary harm. Prevention of transboundary harm arising from hazardous activities is an objective well emphasised by principle 2 of the Rio Declaration on Environment and Development<sup>5</sup> and confirmed by the International Court of Justice (ICJ) in its advisory opinion on the “Legality of the Threat or Use of Nuclear Weapons”<sup>6</sup> and its judgment in the Pulp Mills case<sup>7</sup> as a general obligation now forming part of the corpus of international law relating to the environment. The ICJ also recognised that the environment represents the living space, the quality of life and the very health of human beings, including generations unborn.<sup>8</sup>

### **2.3. Amendment C (to the draft resolution)**

This amendment is a logical consequence of Amendment A. It is also the first opportunity for the Assembly to call for the signature and ratification of the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, since its adoption by the Committee of Ministers.<sup>9</sup>

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2. Opinion 303 (2024), “Draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law”, 18 April 2024 (see [Doc. 15971](#), Committee on Legal Affairs and Human Rights, rapporteur: Ms Thórhildur Sunna Ævarsdóttir).

3. [www.ipbes.net/news/Media-Release-Global-Assessment](http://www.ipbes.net/news/Media-Release-Global-Assessment).

4. “Strategic Plan for the Bern Convention for the period to 2030”, adopted by the Standing Committee at its 43rd meeting held in Strasbourg on 27 November - 1 December 2023, and aligned with the Vision for the Convention adopted by the Standing Committee in December 2021 ([T-PVS\(2023\)18](#)).

5. “Report of the United Nations Conference on Environment and Development”, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

6. “Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion”, ICJ Reports 1996, pp. 241-242, para. 29.

7. “Pulp Mills on the River Uruguay (Argentina v. Uruguay)”, Judgment, ICJ Reports 2010, pp. 55-56, para. 101.

8. “Legality of the Threat or Use of Nuclear Weapons”, op. cit.

9. 133rd Session of the Committee of Ministers, held in Strasbourg on 17 May 2024, CM(2024)52-final.