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Supreme  
Court

# Right to the safe environment and court practice

Ganna Vronska

Supreme Court Justice

# Ukraine

- ✓ Ukraine is a largest country in the Eastern Europe
- ✓ A population of 41.4 million, and is the eighth-most populous country in Europe
- ✓ In 2021 Ukraine celebrates it's 30-th Anniversary of Independence



# Convention on Climate Change

- ✓ Ukraine is a party to United Nations Framework Convention on Climate Change
- ✓ Ukraine ratified the Convention on October 29, 1996



# The Paris Agreement

- ✓ Ukraine is a party to the Paris Agreement
- ✓ Ukraine ratified the Agreement on July 14, 2016



# Ukrainian courts

✓ No court case on climate change issue by October 2021



# The Constitution of Ukraine

- ✓ Article 16. To ensure ecological safety and to maintain the ecological balance on the territory of Ukraine, to overcome the consequences of the Chernobyl catastrophe – a catastrophe of global scale, and to preserve the gene pool of the Ukrainian people, is the duty of the State.
- ✓ Article 50. **Everyone has the right to an environment that is safe for life and health**, and to compensation for damages inflicted through the violation of this right. Everyone is guaranteed the right of free access to information about the environmental situation, the quality of food and consumer goods, and also the right to disseminate such information. No one shall make such information secret.



# The Constitution of Ukraine

- ✓ part 7 of Article 41. The use of property shall not cause harm to the rights, freedoms and dignity of citizens, the interests of society, aggravate the ecological situation and the natural qualities of land.
- ✓ Article 66. Everyone is obliged not to harm nature, cultural heritage and to compensate for any damage he or she inflicted.



# The Supreme Court / Dolphins Case

- ✓ An exceptional legal issue related to significant public interest, as an international charitable organization, raises the issue of its legal capacity to protect the environment in court and for the first time tries to apply the provisions of Article 19 of the Law of Ukraine "On the Red Book of Ukraine" on the ban to use of Red Book animals (dolphins) for commercial purposes, namely the ban on the activities of the dolphinarium.
- ✓ The right to protect of the violated constitutional right to a safe environment belongs to everyone and can be exercised by a citizen or jointly - through an association of citizens.





# The Supreme Court / Pigeons Case

- ✓ The Supreme Court agrees with the applicant's argument that, in rejecting the claim, the courts applied a limited interpretation of the current legislation, to which the Aarhus Convention is a part, ignoring that the right to protect of the violated constitutional right to a safe environment belongs by each person.



# The Supreme Court / Elks Case

- ✓ Considering the importance of environmental protection, a limited interpretation of current Ukrainian legislation, of which the Aarhus Convention is a part, is unacceptable. The right to protection of the violated constitutional right to a safe environment belongs to everyone and can be exercised by a citizen or jointly - through an association of citizens.





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Thank you for your attention!