

ENVIRONMENTAL HUMAN RIGHTS: CONSTITUTIONAL GUARANTEES AND COUNCIL OF EUROPE STANDARDS

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INTRODUCTION

Environmental human rights stand out as an independent group within the system of constitutional human rights and have been extensively studied by constitutional scholars who have developed a comprehensive doctrine of their legal regulation, implementation, and protection.

The constitutional and legal aspects of environmental rights have been explored in several dissertations and monographs, for instance: S.H. Hrytskevych, «Constitutional Environmental Rights of a Human and Citizen and Their Protection by the Internal Affairs Bodies» (Kyiv, 2002)¹ – the main results of this study were published in leading academic journals and presented at scientific and practical conferences [^{2, 3, 4, 5}]; L.B. Vasylichuk and Yu.M. Bysaha, «Implementation of the Right to a Safe Environment for Life and Health in Ukraine» (Uzhhorod, 2019)⁶ – this monograph was based on

¹ Грицкевич С.Г. Конституційні екологічні права людини й громадянина та їх забезпечення органами внутрішніх справ: дис.... канд. юр. наук: 12.00.02 / Грицкевич С.Г. – К., 2002. – 120 с.

² Грицкевич С.Г. Забезпечення конституційних екологічних прав і обов'язків людини і громадянина в Україні // Науковий вісник Національної академії внутрішніх справ України. – К., 1999. – № 4. – С. 85-92.

³ Грицкевич С.Г. Ознаки та загальна характеристика конституційних екологічних прав // Актуальні проблеми вдосконалення чинного законодавства України: Збірник наукових статей. – 2000. – Випуск. IV. – С. 80-87.

⁴ Грицкевич С.Г. Єдність і взаємодія конституційних екологічних прав та обов'язків // Науковий вісник Національної академії внутрішніх справ України. – К., 2001. – № 2. – С. 172-180.

⁵ Грицкевич С.Г. Конституційні екологічні права в системі конституційних прав людини і громадянина // Право України. – 2001. – № 8. – С. 54-57.

⁶ Васильчук Л.Б., Бисага Ю.М. Реалізація права на безпечне для життя і здоров'я довкілля в Україні: Монографія. – Ужгород: Видавничий центр ДВНЗ «Ужгородський національний університет», 2019. – 208 с. URL: <https://dspace.uzhnu.edu.ua/server/api/core/bitstreams/67a4c6e4-d5d8-489d-8e87-9af125ba7df6/content> (дата звернення 21.10.2025).

several prior publications of the authors [^{7, 8, 9}]; and others. Separate studies have addressed environmental rights as part of the broader system of constitutional human rights, including A.Yu. Oliinyk, «The Constitutional and Legal Mechanism for Ensuring Fundamental Human and Civil Freedoms in Ukraine» (Kyiv, 2008)¹⁰; and V.L. Fedorenko, «Constitutional Rights and Freedoms of a Person and Their Guarantees and Protection in Ukraine» (Kyiv, 2020)¹¹, among others.

The development of such research demonstrates the growing importance of environmental rights in modern constitutionalism, which is driven by global environmental challenges such as climate change, biodiversity loss, resource degradation, and the decline in environmental quality. These trends require not only the formal recognition of such rights but also the creation of effective mechanisms for their implementation and protection.

In Ukrainian constitutional law, environmental rights have special significance because they combine features of both personal and socio-economic rights, forming a link between the second and third generations of human rights. Article 50 of the Constitution of Ukraine guarantees everyone the right to a safe environment for life and health and to compensation for damage caused by the violation of this right. However, the effective realization of this right depends not only on citizens' legal awareness but also on the state's role as a guarantor of environmental safety and on the influence of European institutions.

Therefore, the European dimension of environmental rights becomes especially relevant due to the evolution of standards within the Council of Europe. The case law of the European Court of Human Rights (hereinafter - ECtHR) demonstrates the gradual protection of environmental rights through traditional ones, such as the right to life (Article 2 of the Convention), the right to respect for private and family life (Article 8), and the right to peaceful enjoyment of possessions (Article 1 of Protocol No. 1). The ECtHR consistently recognizes that serious environmental pollution may constitute

⁷ Васильчук Л.Б. Поняття «інституційна система реалізації права на безпечне для життя і здоров'я довкілля в Україні» та її елементи. Науковий вісник Ужгородського національного університету : Серія: Право. 2016. Вип. 37. Т.1. С. 56–58.

⁸ Васильчук Л.Б. Поняття «Реалізації права на безпечне для життя і здоров'я довкілля в Україні» та його ознаки. Науковий вісник Ужгородського Національного університету: серія: Право. 2015. Вип. 35. Т.1. С. 80-83

⁹ Васильчук Л.Б. Система реалізації права на безпечне для життя і здоров'я довкілля в Україні. Порівняльно-аналітичне право. 2015. № 5. С. 55-58.

¹⁰ Олійник А.Ю. Конституційно-правовий механізм забезпечення основних свобод людини і громадянина в Україні: Монографія. К.: Алерта, КНТ, Центр навчальної літератури, 2008. 472 с.

¹¹ Федоренко В.Л. Конституційні права і свободи людини та їх гарантування й захист в Україні : монографія / В. Л. Федоренко. – Київ: Видавництво Ліра, 2020. 138 с.

interference with these rights, thereby placing positive obligations on states to prevent harm and ensure adequate protection for the population.

In addition to ECtHR practice, key references for developing environmental rights within the Council of Europe include resolutions and recommendations of the Parliamentary Assembly, the Committee of Ministers, and the Council of Europe as a whole.

Thus, environmental human rights appear as one of the key elements of the modern system of constitutional protection of rights and freedoms. Their recognition, implementation, and enforcement are not only legal but also civilizational challenges requiring coordinated efforts of states, international organizations, and civil society institutions.

An important factor in the development of environmental rights within the constitutional law of Ukraine is the growing role of international environmental initiatives and standards, particularly those formed within the framework of the Council of Europe, the European Union, and the United Nations. Among them, the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters, as well as the 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats, hold special significance. Their implementation into the national legal system not only strengthens environmental guarantees but also increases the level of state accountability to citizens in the field of environmental protection. In this context, Ukraine acts not merely as a party to international agreements but as an active participant in shaping new approaches to ensuring sustainable development, based on the principles of transparency, participation, and legal responsibility. Such processes gradually transform the nature of constitutional and legal relations, turning environmental rights into an effective tool of democratic control over the activities of both the state and the private sector.

Furthermore, the relevance of environmental rights has acquired a new dimension under the current conditions of martial law in Ukraine. The armed aggression has led to large-scale environmental disasters – pollution of soils and water resources, destruction of industrial facilities, forests, and protected natural areas. Under these circumstances, ensuring citizens' environmental rights goes beyond traditional mechanisms of constitutional protection, requiring the creation of special legal instruments for recording, assessing, and compensating environmental damage caused by military actions. At the same time, these challenges strengthen the role of international institutions, particularly the Council of Europe, in developing legal standards for post-conflict environmental recovery. Thus, human environmental rights become not only an element of the legal order but also a key factor in restoring statehood, public security, and Ukraine's European integration.

1. Doctrinal Approaches to Understanding Environmental Rights

The establishment of environmental human rights as a distinct category within the system of constitutional law is the result of the evolution of ideas about the interconnection between human beings, society, and nature. In the 21st century, issues of environmental security have gained unprecedented importance, as environmental pollution, depletion of natural resources, and global climate change directly affect the quality of life, health, and well-being of people. Therefore, environmental rights are increasingly viewed not only as a legal but also as a moral, ethical, social, and civilizational phenomenon, aimed at ensuring the harmonious coexistence of humans and nature. In this context, the formation of the doctrine of environmental rights within the science of constitutional law of Ukraine represents an important step toward building a modern democratic, social, and rule-of-law state focused on sustainable development and the preservation of the natural environment for future generations.

The study of doctrinal approaches to understanding environmental rights makes it possible to trace how the role of the individual in the system of environmental relations is being reinterpreted. From classical concepts of the «right to a clean environment», scholars are gradually moving toward a broader understanding of environmental rights as a complex of entitlements that combine the freedom to use natural resources, the right to access environmental information, and the duty to participate in nature conservation. Thus, environmental rights form an integrated system of interdependent guarantees that unite individual, collective, and state interests. Their development within the constitutional law of Ukraine reflects not only the aspiration to meet European standards but also the establishment of a new paradigm of human rights – a paradigm of solidarity, responsibility, and ecological awareness.

Given the lack of a unified approach to defining environmental human rights – due to their varying interpretations (for example, as «a measure of possible behavior» according to L.K. Bairachna; as «guaranteed opportunities for access to environmental information» according to T.M. Slinko; or as «specific constitutional possibilities of a person» according to V.M. Beschasnyi and co-authors) – a systematic analysis is necessary to form a comprehensive and modern definition of this concept.

In constitutional law, one of the most up-to-date definitions of environmental rights is provided by the authors of the textbook *Constitutional Law of Ukraine* -Beschasnyi V.M., Korniienko P.S., Shcherbyna V.I., and Sotskyi A.M. They state that «Environmental rights are the opportunities of a person and citizen related to a safe environmental setting. These include such constitutional rights as: – the right to an environment safe for life and health;

– the right to preserve the nation’s gene pool and minimize the effects of the Chernobyl disaster; – the right to compensation for damage caused by the violation of environmental rights» [12, p.149]. This definition highlights the connection between environmental rights, environmental safety, and human health, allowing us to view them as part of the system of fundamental constitutional guarantees.

N.I. Petretska, M.V. Bielova, and Zh.M. Yelienina offer a broader understanding of this concept, linking it not only to safety but also to the possibility of using the natural environment. They emphasize that «Environmental rights are the possibilities (freedoms) of a person to use the natural environment. This includes the right to a safe environment for life and health, protection of health from its negative impact, compensation for damage caused to health and property by environmental violations, and the right to natural resource use. Environmental rights correspond to the obligation of public authorities, enterprises, and organizations to take measures aimed at environmental protection, prevention, and reduction of harmful effects on humans and nature. Every citizen has the right to participate in environmental assessments and to receive full and accurate information about the state of the environment and its impact on health». ¹³ Thus, the authors emphasize the active role of individuals in environmental relations, combining the rights and responsibilities of citizens and the state. In this sense, environmental rights serve not only as guarantees of safety but also as tools of civic participation and control.

A similar view is held by T.M. Slinko, who notes that «Environmental rights ensure the provision to every person of the right to an environment safe for life and health (the right to a safe environment, the right to free access to information about the state of the environment, about the quality of food products and consumer goods, the right to disseminate such information, etc.)». ¹⁴

S.H. Hrytskevych concludes that «Constitutional environmental rights and freedoms are examined in relation to the very essence of a person as a physical being. They are defined as a qualitatively new, independent group of opportunities enshrined in the Constitution of Ukraine, aimed at satisfying individual environmental (rather than political, material, or spiritual) needs and interests. The core of these interests is the ability to live in an unpolluted

¹² Конституційне право України : навчальний посібник / Бесчастний В. М., Корнієнко П. С., Щербина В. І., Соцький А. М. Черкаси : Видавць Волчок О. Ю. 2023. С. 149

¹³ Конституційне право України : підручник / [Т. М. Слінько, Л. І. Лет-нянчин, Ф. В. Веніславський та ін.]; за заг. ред. Т. М. Слінько. – Харків : Право, 2021. – 592 с

¹⁴ Конституційне право України : Підручник. 11-е видан-ня: (присвячене 30-ій річниці заснування юридичного факультету ДВНЗ «Ужгородський національний університет») перероблене та доповнене. Ужгород : ПІК-У, 2023. С.279

environment, in an ecologically balanced natural setting, to receive environmentally clean products, and to obtain reliable information about them and the state of the environment, as well as material and moral compensation for harm caused to health and property by environmental violations».¹⁵

Unlike the above definitions, some researchers approach environmental rights from a more theoretical and legal standpoint. For instance, L.K. Bairachna applies a theoretical-legal approach, noting that “Environmental rights as a type of subjective rights represent a combined measure of possible behavior in the field of ownership, use, reproduction, and protection of the environment, and ensuring ecological safety».¹⁶ This definition can be considered more universal and methodologically grounded, as it allows environmental rights to be viewed as part of the broader system of subjective human rights, emphasizing the balance between the interests of the individual, society, and the state in environmental matters.

However, there remains some terminological uncertainty regarding the use of the term «subjective», since environmental rights go beyond the individual level. «The idea underlying the rights of the third generation is the idea of solidarity»¹⁷. Environmental rights can indeed be exercised by an individual, but not solely due to personal status -rather, through belonging to a community.

Thus, environmental rights constitute an independent group of constitutional rights, with the right to a safe environment at their core. Based on the concepts analyzed, the triad of environmental rights can be identified as: the right to a safe environment, the right to information about it, and the right to compensation for environmental harm.

To summarize the reviewed scholarly approaches and overcome existing terminological inconsistencies, it is appropriate to formulate a comprehensive definition of environmental human rights as a component of constitutional human rights: Environmental human rights are the constitutionally and legally guaranteed opportunities of an individual to live in an environment safe for life and health, to receive reliable information about the state of the

¹⁵ Грицкевич С.Г. Конституційні екологічні права людини й громадянина та їх забезпечення органами внутрішніх справ: дис.... канд. юр. наук: 12.00.02 / Грицкевич С.Г. – К., 2002. С.63.

¹⁶ Конституційне право України : Підручник. 11-е видан-ня: (присвячене 30-ій річниці заснування юридичного факультету ДВНЗ «Ужгородський національний університет») перероблене та доповнене. Ужгород : РІК-У, 2023. С.417

¹⁷ Еволюція прав людини URL: <https://www.coe.int/uk/web/compass/the-evolution-of-human-rights#:~:text=%D0%9A%D0%BE%D0%BD%D0%BA%D1%80%D0%B5%D1%82%D0%BD%D1%96%20%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%2C%20%D1%8F%D0%BA%D1%96%20%D0%B7%D0%B0%D0%B7%D0%B2%D0%B8%D1%87%D0%B0%D0%B9%20%D0%B2%D1%96%D0%B4%D0%BD%D0%BE%D1%81%D> (дата звернення 21.10.2025).

environment, to participate in decision-making affecting ecology, and to claim compensation for damages caused by the violation of these rights, which correspond to the state's duty to ensure environmental protection and ecological safety.

Hence, Ukrainian constitutional scholarship has formed a consistent doctrine of environmental human rights encompassing their content, legal nature, and mechanisms of realization and protection. Ukrainian scholars emphasize that environmental rights represent a distinct group of constitutional rights aimed at ensuring a safe environment, access to environmental information, and citizen participation in environmental decision-making. In modern constitutional doctrine, they are viewed as a key element of the state's ecological and social function.

Although environmental rights are related to the first and second generations of human rights (since their realization depends on civil and political rights of the first generation, and economic, social, and cultural rights of the second), they should still be analyzed primarily within the framework of third-generation rights, for the following reasons.

As already noted, the foundation of environmental rights lies in the idea of solidarity. This means that third-generation rights have a collective nature, as they belong not only to individuals but to society as a whole (for example, the right to a safe environment, since the environment is a common resource). Their purpose is the common good -the use of natural resources, mechanisms of compensation, and access to information all contribute to a safe environment for everyone. They are also interdependent -the exercise or violation of rights by one person or group affects others' ability to enjoy the same rights (for instance, compensation for damage under Article 50 of the Constitution restores individual rights and ensures balance between personal and collective interests). Solidarity in access to information is also guaranteed, enabling collective oversight.

As S.H. Hrytskevych rightly notes, «the collective nature of this right presupposes its presence in every person».¹⁸ Similarly, L.B. Vasylichuk and Yu.M. Bysaha emphasize that «in terms of subjects, one can distinguish between individual and collective forms of exercising the right to a safe environment for life and health in Ukraine».¹⁹

¹⁸ Гришкевич С.Г. Конституційні екологічні права людини й громадянина та їх забезпечення органами внутрішніх справ: дис.... канд. юр. наук: 12.00.02 / Гришкевич С.Г. – К., 2002. – с.27

¹⁹ Васильчук Л.Б., Бисага Ю.М. Реалізація права на безпечне для життя і здоров'я довкілля в Україні: Монографія. – Ужгород: Видавничий центр ДВНЗ «Ужгородський національний університет», 2019. С. 200 URL:<https://dspace.uzhnu.edu.ua/server/api/core/bitstreams/67a4c6e4-d5d8-489d-8e87-9af125ba7df6/content>(дата звернення 21.10.2025).

Thus, the modern understanding of environmental rights in constitutional law combines the individual dimension of human safety with the collective dimension of shared responsibility for the environment, reflecting the idea of solidarity as the conceptual foundation of third-generation rights. This demonstrates their dual nature – environmental rights simultaneously ensure the protection of individual interests and the realization of the public good, namely, a safe environment for life and health.

The analysis of doctrinal approaches to understanding environmental rights indicates that they occupy a special place within the system of constitutional human rights, combining features of personal, socio-economic, and collective rights. Ukrainian scholarly doctrine has developed a stable understanding of environmental rights as those that guarantee not only an environment safe for life and health but also active citizen participation in decision-making that affects the state of the natural environment. Contemporary researchers view them as a legal instrument for ensuring sustainable development, which promotes the realization of the state's environmental function, raises the level of legal awareness among the population, and fosters a culture of ecological responsibility.

Summarizing the scholarly approaches, it can be concluded that environmental human rights are third-generation rights based on the idea of solidarity and shared responsibility for the planet's future. They are not limited to the national legal framework but are integrated into European and international contexts, ensuring their universality and interstate significance. The further development of the doctrine of environmental rights in Ukraine should rely on a combination of national constitutional traditions with the international environmental standards of the Council of Europe and the European Union. This will not only strengthen the legal guarantees of environmental safety but also establish Ukraine as a state committed to sustainable development, ecological justice, and respect for fundamental human rights.

2. Constitutional and Legislative Regulation in Ukraine

The current environmental situation in the world, in particular the threats of climate change, environmental pollution, and depletion of natural resources, raises the issue of the need for legal protection of human environmental rights at the national level. The recognition of environmental rights as an integral part of the human rights system is driven not only by global challenges of sustainable development but also by the awareness of collective responsibility for preserving the planet for future generations. In this context, constitutional and legislative enshrinement of environmental norms becomes essential, ensuring everyone's right to an environment safe

for life and health, access to environmental information, and participation in decision-making regarding natural resource use. This approach not only protects the interests of individual citizens but also promotes the formation of a social and legal culture of ecological responsibility, the development of collective natural resource management mechanisms, and the implementation of sustainable development principles.

In Ukraine, the formation of the system of human environmental rights has undergone a long historical path: from individual norms on rational use of natural resources, recorded as early as in the «Ruska Pravda», to modern comprehensive constitutional regulation and specialized legislation. This development reflects the integration of the national legal system into the international and European legal space, including the standards of the Council of Europe and the European Union. Special attention is given to the role of local self-government bodies, the public, and judicial authorities in ensuring the implementation of environmental rights, particularly through law enforcement, participation in local environmental processes, and protection of rights in case of violations. This approach allows not only to consolidate the human right to a safe environment but also to establish an effective mechanism of interaction between the state and citizens in the field of environmental protection and ensuring ecological safety.

When it comes to legal regulation, the very first environmental norms in Ukraine can be traced back to «Ruska Pravda» -one of the earliest legal codes, which already contained provisions on the protection of flora and fauna. However, environmental rights as a distinct category of human rights in the modern sense appeared much later -with the adoption of the Law of Ukraine «On Environmental Protection»²⁰ in 1991, and were subsequently enshrined in the 1996 Constitution of Ukraine, later gaining further development in other legislative acts.

It is interesting to note that the Constitution of the Ukrainian Soviet Socialist Republic (1937) did not mention such rights at all. This omission is particularly notable given that, even during the period when that Constitution was in force (until 07.05.1992), environmental issues had become a matter of major public concern, especially after the Chernobyl disaster of 1986. The 1937 Constitution of the Ukrainian SSR mentioned environmental aspects only indirectly, mainly in the context of rational use of natural resources (for instance, Article 6 declared that «land and subsoil... are the property of the people»). However, environmental rights as human rights were not recognized or defined in any way.

²⁰ ЗУ «Про охорону навколишнього природного середовища»
URL:<https://zakon.rada.gov.ua/laws/show/1264-12#top> (дата звернення 21.10.2025).

In contrast, the 1996 Constitution of Ukraine provides a robust legal framework for environmental protection. It guarantees the right to ownership of land (Article 12); the right to use natural resources belonging to the people (Article 13); and the right to a safe environment for life and health, to compensation for environmental harm, and to free access to environmental information, including data on food and consumer goods safety, as well as the right to disseminate such information, which cannot be classified as secret (Article 50).

Thus, modern constitutional regulation in Ukraine creates a comprehensive system of legal guarantees aimed at ensuring environmental safety and the effective realization of everyone's right to a healthy environment. The inclusion of environmental rights in the Constitution confirms their recognition as fundamental third-generation rights, focused on protecting the collective interests of society as a whole.

Local self-government bodies possess significant potential in ensuring environmental rights, as they directly interact with the population and natural objects within their territories. Local communities are becoming not only the objects but also the active subjects of environmental policy implementation – through the introduction of energy efficiency programs, waste management systems, and the restoration of green areas and water resources. The constitutional right of citizens to participate in the management of state affairs (Article 38 of the Constitution of Ukraine) in this context extends to participation in local environmental processes – such as holding public hearings, local referendums, and exercising public control over the activities of enterprises. Thus, environmental rights are gradually moving into the sphere of collective self-governance, where citizens share responsibility for the preservation of the natural environment.

The further development of these rights is reflected in numerous Ukrainian laws and by-laws. Among them, a central role belongs to the Law of Ukraine «On Environmental Protection»²¹, which for the first time in independent Ukraine laid the legal foundation for environmental human rights.

This law plays a key role in implementing constitutional environmental guarantees, as it establishes the principles of environmental protection (Article 3), defines the environmental rights and duties of citizens (Section II), and regulates access to environmental information (Section V). Together with Article 50 of the Constitution, it forms a consistent and integrated legal framework that ensures the right of every person to live in an environment safe for life and health.

²¹ Закон України «Про охорону навколишнього природного середовища» URL: <https://zakon.rada.gov.ua/laws/show/1264-12#Text> (дата звернення 21.10.2025).

At the same time, for the full realization of the idea of solidarity underlying environmental rights, this law still requires further improvement – particularly regarding mechanisms of public participation in environmental protection and strengthening civic oversight.

The legislative foundation of environmental rights in Ukraine also includes:

- the Law of Ukraine «On Environmental Impact Assessment»²², which regulates issues of preventing environmental harm, ensuring ecological safety, environmental protection, and sustainable use of natural resources. This law also guarantees the right of any individual or legal entity to register in the Unified Environmental Impact Assessment Registry in order to receive targeted notifications about public access to environmental information and documentation, in line with Article 50 of the Constitution;

- the Law of Ukraine «On Air Protection»²³, which addresses citizens' right to clean air, defines mechanisms of control and liability for air pollution, among other provisions;

- the Law of Ukraine «On the Public Health System»²⁴, which, among other things, guarantees the right to a safe environment for life and health, and introduces the “One Health” concept, recognizing that human health is inseparable from environmental protection;

- and the Law of Ukraine «On Drinking Water and Drinking Water Supply»²⁵, among others.

Environmental safety – and, consequently, environmental rights – are also regulated by Ukraine's major environmental codes, including the Forest Code (1994), the Subsoil Code (1994), the Water Code (1995), and the Land Code (2001).

In conclusion, environmental human rights in Ukraine have undergone a complex process of development – from isolated norms on rational use of natural resources to a comprehensive system of constitutional guarantees and specialized legislation. This framework ensures every person's right to a safe environment, access to reliable information, and fair compensation for environmental damage. The constitutional recognition of these rights (especially in Article 50) and their elaboration in sectoral laws together form

²² Закон України «Про оцінку впливу на довкілля» URL: <https://zakon.rada.gov.ua/laws/show/2059-19#Text> (дата звернення 21.10.2025).

²³ Закон України «Про охорону атмосферного повітря» URL: <https://zakon.rada.gov.ua/laws/show/2707-12#Text> (дата звернення 21.10.2025).

²⁴ Закон України «Про систему громадського здоров'я» URL: <https://zakon.rada.gov.ua/laws/show/2573-20#Text> (дата звернення 21.10.2025).

²⁵ Закон України «Про питну воду та питне водопостачання» URL: <https://zakon.rada.gov.ua/laws/show/2918-14#top> (дата звернення 21.10.2025).

the foundation of Ukraine's national system of environmental human rights protection.

An important direction for the further development of environmental rights within the system of constitutional law of Ukraine is the deepening of their integration into the European legal space. Considering Ukraine's obligations to the Council of Europe and within the context of implementing the Association Agreement with the European Union, environmental rights acquire a new dimension – becoming not only a component of the national legal order but also part of a unified system of European environmental standards. Of particular importance is the influence of the decisions of the European Court of Human Rights, which, through its interpretation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, effectively forms the practice of applying environmental rights in the context of the right to life, privacy, property, and access to information. This approach encourages the state to adapt national legislation, develop mechanisms for monitoring the environmental condition, and enhance the level of public environmental responsibility.

3. Comparative and European Context of Environmental Human Rights Protection (Council of Europe, ECtHR)

The evolution of modern constitutional law is taking place, among other factors, through the influence of international organizations on national legal systems. One of the leading European organizations that directs the constitutional and legal development of Ukraine in accordance with universally recognized democratic principles is the Council of Europe.

The guidelines for the development of the national legal system are determined by the fact that the ongoing European integration processes in Ukraine require active reforms in the economy, politics, the legal system, as well as in civil society, which cannot be effectively implemented without taking into account historical prerequisites and the experience of European countries. Therefore, scientific research in this field constitutes an essential component of successful reforms on the path toward European integration.

Thus, for example, the corresponding harmonization of domestic legislation with European legislation is impossible without understanding the fundamental principles, standards, and requirements of the latter. At the same time, scholarly inquiry forms the foundation for implementing the relevant reforms.

It should be noted that the European path of Ukraine's development presupposes adherence to the norms and standards of the Council of Europe, of which Ukraine has become a member. Environmental human rights cannot be considered in isolation from the broader European legal framework.

Standards set by the Council of Europe, the case law of the European Court of Human Rights (ECtHR), and other mechanisms for protecting environmental rights serve as a reference point for shaping the modern model of their guarantee and enforcement in Ukraine.

Environmental rights are not explicitly mentioned in the European Convention on Human Rights, yet the ECtHR addresses their protection through the interpretation of other provisions of the Convention, such as the right to life (Article 2), the right to respect for private and family life (Article 8), and Article 1 of Protocol No. 1 (right to property).

For example, in *Lopez Ostra v. Spain* (Application No. 16798/90), the Court, finding a violation of Article 8, noted in paragraph 51: «Naturally, serious environmental pollution can affect the well-being of individuals and prevent them from enjoying their homes in a way that interferes with their private and family life, although it does not create a serious threat to their health»²⁶. In paragraph 53, the Court emphasized: «The municipal council acted promptly, providing temporary housing for the affected residents in the city center during July, August, and September 1988, and later ceased one of the factory's operations from 9 September (see paragraphs 8 and 9 above). However, the council members could not have been unaware that environmental problems continued even after this partial suspension (see paragraphs 9 and 11 above). Moreover, this was confirmed on 19 January 1989 by the Regional Environmental Protection Agency, and subsequently by expert reports in 1991, 1992, and 1993 (see paragraphs 11 and 18 above)».²⁷

The *Oneriyildiz v. Turkey* case (Application No. 48939/99) concerned the deaths of 39 people following a methane explosion and landfill collapse. At the hearings, the applicant's representative claimed «that the government could not escape its obligations by requiring its poorest and, in fact, least educated citizens to obtain information on environmental matters of such importance»²⁸. In paragraph 132 of the judgment, the Court stated: «The applicant's submissions were based on the above-mentioned *Chapman* case. He argued that the Court in that case addressed a situation where an individual consciously ignored warnings and lawfully imposed penalties aimed at protecting the environmental rights of others. The circumstances of this case

²⁶Case OF LÓPEZ OSTRA v. SPAIN (Application no. 16798/90) URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57905%22%5D%7D> (дата звернення 21.10.2025).

²⁷Case of LÓPEZ OSTRA v. SPAIN (Application no. 16798/90). // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57905%22%5D%7D> (дата звернення 21.10.2025).

²⁸Case of Öneriyildiz V. Turkey (Application no. 48939/99). // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-67614%22%5D%7D> (дата звернення 21.10.2025).

were entirely different, as the Government was criticized for inaction or negligence by its authorities in enforcing the law»²⁹. The Court concluded that there had been violations of Article 2 of the Convention, Article 1 of Protocol No. 1, and others.

In *Cordella and Others v. Italy* (Applications No. 54414/13 and 54264/15)³⁰, the case concerned the violation of the right to respect for private and family life due to the state authorities' lack of response to air pollution caused by a steel plant, which harmed public health. In particular, there was a failure to provide information about the level of environmental pollution and the associated health risks. The Court found a breach of Articles 8 and 13 of the Convention.

Analysis of these ECtHR decisions shows that, even though environmental rights are not directly enshrined in the Convention, the Court consistently develops environmental standards through the interpretation of traditional rights.

Beyond the ECtHR, the Parliamentary Assembly of the Council of Europe (PACE) also addresses environmental rights through recommendations and resolutions. For instance, Resolution 2396 (2021) «Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe», in paragraph 4, states: «The Assembly considers that the European vision of modern human rights protection can serve as a reference for environmental human rights in the 21st century, if action is taken now»³¹.

The Council of Europe Committee of Ministers plays a role in environmental protection through initiatives such as the «Council of Europe Strategy on the Environment»³², which focuses on key ecological challenges. Intergovernmental groups, such as the Drafting Group on Human Rights and the Environment (CDDH-ENV), are also important. For example, the 10th meeting of the CDDH-ENV Working Group on Human Rights and the

²⁹ Case of *Öneryıldız V. Turkey* (Application no. 48939/99). // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-67614%22%5D%7D> (дата звернення 21.10.2025).

³⁰ *Affaire Cordella et autres c. Italie* (Requêtes nos 54414/13 et 54264/15) // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-189421%22%5D%7D> (дата звернення 21.10.2025).

³¹ Resolution 2396 (2021) «Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe» URL: <https://pace.coe.int/en/files/29499/html?utm> (дата звернення 21.10.2025).

³² CM(2025)51-final – 134th Session of the Committee of Ministers (Luxembourg, 13-14 May 2025) – Council of Europe Strategy on the Environment URL:<https://search.coe.int/cm#%7B%22CoEIdentifier%22:%5B%220900001680b5cc15%22%5D%22%22%22CoEValidationDate%20Descending%22%5D%7D> (дата звернення 21.10.2025).

Environment, held from 19 to 21 March 2024, analyzed the issue of “the human right to a clean, healthy, and sustainable environment»³³.

The Council of Europe Commissioner for Human Rights has also stated that they «support the work of environmental human rights defenders»³⁴.

Despite this extensive network of institutions, the protection of environmental rights in Europe remains limited due to the lack of explicit recognition in the European Convention on Human Rights. This creates a situation where the enforcement of third-generation environmental rights largely depends on the interpretation of traditional Convention norms, which does not always guarantee effective and timely protection.

As noted in paragraph 5 of Resolution 2396 (2021) PACE: «The Assembly notes that the Convention contains no specific reference to environmental protection, and therefore the European Court of Human Rights cannot adequately consider this new generation human right. The Assembly’s call for action, notably in Recommendation 1885 (2009) «Drafting an Additional Protocol to the European Convention on Human Rights on the right to a healthy environment,’ has, unfortunately, not been implemented by the Committee of Ministers»»³⁵.

Thus, even today, the European legal framework shows that existing mechanisms for protecting environmental rights are insufficient.

In September 2021, paragraph 3.1 of Recommendation 2211 (2021) PACE urged the Committee of Ministers to «develop an Additional Protocol to the European Convention on Human Rights (ETS No. 5, hereinafter «the Convention») on the right to a safe, clean, healthy, and sustainable environment».³⁶ A draft text of such a protocol was proposed, but it has not yet been adopted.

The adoption of this Additional Protocol remains a topic of debate. Some Ukrainian scholars, writing in the context of martial law and ongoing violations of environmental rights, argue for potential restrictions on these rights during a state of war (see Shemschuchenko Y.S., Hryn’ D.D., «Some

³³Meeting report URL: <https://rm.coe.int/steering-committee-for-human-rights-comite-directeur-pour-les-droits-h/1680aefdb5> (дата звернення 21.10.2025).

³⁴Commissioner for Human Rights. Thematic work. Environment and human rights. URL:<https://www.coe.int/en/web/commissioner/thematic-work/environment-and-human-rights?utm> (дата звернення 21.10.2025).

³⁵ Resolution 2396 (2021) «Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe» // Parliamentary Assembly. URL: <https://pace.coe.int/en/files/29499/html?utm> (дата звернення 21.10.2025).

³⁶ Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe.

Recommendation 2211 (2021) URL:<https://pace.coe.int/en/files/29501/html?utm> (дата звернення 21.10.2025).

Aspects of Restricting Environmental Rights and Freedoms During Martial Law in Ukraine»³⁷).

However, explicitly recognizing environmental rights as autonomous rights in the Convention is increasingly urgent, especially given ongoing military conflicts in the heart of Europe. In Ukraine, large-scale warfare has led to violations of the human right to a safe environment and the right to compensation for damage, as evidenced by events such as the destruction of the Kakhovka Hydroelectric Power Plant in June 2023 (see Korytko L.Ya., Kuchera A.M., «Violation of Human Environmental Rights in Ukraine During Martial Law (The Case of the Kakhovka Disaster)»³⁸).

In Resolution 2546 (2024), paragraph 7.2, PACE recommended «creating a permanent body for regular reporting on the impact of the war on the environment and transmitting this information to the Commission for the Protection of the Black Sea against Pollution and other relevant international bodies, along with recommendations for remediation and prevention of further damage».³⁹

Therefore, it is difficult to agree with Shemschuchenko and Hryn's view that restricting environmental rights is justifiable, since such limitations undermine fundamental human rights, compromise guarantees of a safe environment, and risk irreversible harm to life and health.

On the contrary, adopting the Additional Protocol would establish the autonomous legal status of environmental rights, provide effective access to justice, ensure compensation for harm caused by their violation, and strengthen international oversight mechanisms.

In the Ukrainian context, environmental human rights are acquiring new significance -not only as part of third-generation rights, but also as a crucial element of national security, environmental restoration, and sustainable post-war development, which is important for Europe as a whole.

Although the European human rights architecture was shaken by the outbreak of full-scale hostilities on the territory of Ukraine, this situation has nevertheless become a new impetus for reforms and for the intensification of

³⁷ Шемшученко, Ю. С., Гриньо, Д. Д. (2023). Деякі аспекти обмеження екологічних прав і свобод людини під час дії правового режиму воєнного стану в Україні. Часопис Київського університету права, (4), 202-207. URL: <https://doi.org/10.36695/2219-5521.4.2023.37> (дата звернення 21.10.2025).

³⁸ Коритко Л.Я., Кучера А.М. Порушення екологічних прав людини в Україні в період воєнного стану (на прикладі Каховської катастрофи). Науковий вісник Ужгородського Національного Університету. Серія ПРАВО. 2024. Вип. 81. Ч. 1. 2024. С. 40-46. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/03/8.pdf> (дата звернення 21.10.2025).

³⁹ Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis. Resolution 2546 (2024). URL: <https://pace.coe.int/en/files/33515/html?utm> (дата звернення 21.10.2025).

joint efforts aimed at the collective protection of human rights, which is the fundamental goal of the Council of Europe.

Thus, modern challenges call into question the effectiveness of existing mechanisms for the protection of human rights; at the same time, they encourage a rethinking of the role of the Council of Europe and the search for new ways to strengthen the European system of human rights protection.

Hence, it can be stated that the value-based foundations of the Council of Europe determine the directions of development of constitutional law and the content of constitutional doctrine in Ukraine. In turn, the dynamic progress of constitutional doctrine is largely determined both by law enforcement practice and by the activities of certain bodies of the Council of Europe. The interaction between theoretical developments and practical human rights mechanisms contributes not only to the evolution of constitutional doctrine but also to its adaptation to contemporary challenges.

CONCLUSIONS

The analysis of the current state of human environmental rights and their legal protection allows us to conclude that these rights have acquired particular significance as an integral part of the constitutional system and an inseparable component of the overall system of human rights and freedoms. They combine elements of individual, collective, and socio-economic rights, ensuring not only an environment safe for life and health but also active citizen participation in decision-making regarding natural resource use and environmental protection. Ukraine's experience demonstrates the gradual formation of a comprehensive system of constitutional and legislative guarantees, encompassing both the formal enshrinement of rights and mechanisms for their protection, including judicial oversight and public participation. The analysis of the international and European context, in particular the activities of the Council of Europe and the practice of the European Court of Human Rights, highlights the significance of external influence on the formation of the national doctrine of environmental rights, creating conditions for their harmonization with general European standards and values. Thus, in contemporary legal discourse, human environmental rights are regarded not only as an instrument for protecting individual and collective interests but also as a fundamental element of sustainable development, social responsibility, and the constitutional culture of the state.

Environmental human rights occupy a central place in the modern system of constitutional rights and freedoms, and their emergence and development are driven by the need to prevent global ecological crises.

The Constitution of Ukraine guarantees every individual the right to a safe environment for life and health, aligning with European human rights standards. At the same time, effective implementation of this right requires a

comprehensive approach, including not only legal codification but also mechanisms for enforcement, judicial protection, monitoring, and public participation.

The work of the Council of Europe and the case law of the ECtHR demonstrate the gradual recognition of environmental rights as part of traditional rights -primarily the right to life, the right to respect for private and family life, and peaceful enjoyment of property.

However, the adoption of an Additional Protocol is urgent, as it would allow the direct protection of environmental rights under the ECtHR.

A general conclusion can be drawn regarding the significance of the Council of Europe not only in building an independent Europe but also in shaping practical experience for the development of constitutional doctrine. The issue of maintaining a balance between the effective protection of constitutional rights and the development of constitutional doctrine – including the formation of basic principles, standards, and tools – has become particularly relevant.

The above indicates the necessity of further reflection on the role of the Council of Europe as an institution that influences the formation of the fundamental legal identities of European states.

Another important aspect of the Council of Europe's influence on constitutional law is Ukraine's ratification of the CoE's instruments, which are imbued with the organization's core values. These documents not only establish specific legal obligations for the state but also shape the overall direction of the development of national legislation in accordance with European values. Their integration into Ukraine's legal system – both through direct application and through their influence on legislative and judicial practice – also serves as an important reference point for constitutional doctrine in interpreting the state's obligations and determining the direction of the national legal system's development.

In this context, it is important to emphasize that the influence of the Council of Europe is not limited to general standards and recommendations; it is directly manifested in the activities of its bodies, which shape the modern law enforcement approach in the field of human rights. In turn, the development of modern constitutional doctrine is largely determined by the work of specific bodies of the Council of Europe. In fact, modern constitutional doctrine has evolved mainly as a result of the law enforcement activities of particular organizations and bodies – for example, the European Court of Human Rights or the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Therefore, studying the origins of their establishment and subsequently analyzing their activities is essential for the balanced development of both doctrine and practice, as such interaction creates optimal conditions for advancing the protection of human rights (by defining objectives that are implemented and justified in practice).

At present, there is a predominance of practice over doctrine, which means that there is no sufficient opportunity to test and improve certain theoretical concepts through practical application. Consequently, the knowledge and experience gained through the activities of the Council of Europe's bodies determine the future directions of doctrinal development.

The described dynamics of the development of law enforcement practice and its impact on constitutional doctrine highlight the ongoing need for a thorough analysis of the conceptual framework used within this study.

SUMMARY

This article explores environmental human rights as a distinct group of constitutional rights. It examines doctrinal approaches to defining these rights, their main elements, and their conceptual foundation, including the ideas of solidarity and the dual nature of rights -individual and collective. The article analyzes the constitutional and legislative framework for environmental rights in Ukraine, particularly Article 50 of the Constitution and related laws, which create a coherent system of guarantees for a safe environment, access to environmental information, and compensation for harm.

The study also considers the comparative and European context: the ECtHR case law protecting environmental rights through traditional rights (Articles 2, 8 of the Convention, Article 1 of Protocol No. 1) and the role of PACE and the Committee of Ministers in developing environmental protection standards. The article highlights the importance of adopting an Additional Protocol to the European Convention on Human Rights on the right to a safe, clean, healthy, and sustainable environment, which would grant environmental rights autonomous legal status and ensure effective protection at both national and international levels.

The article emphasizes that environmental human rights are a key element of the modern human rights system, and their protection requires a comprehensive approach, including legal codification, enforcement mechanisms, public participation, and international oversight.

References

1. *Affaire Cordella et autres c. Italie* (Requêtes nos 54414/13 et 54264/15) // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-189421%22%5D%7D> (дата звернення 21.10.2025).
2. *Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe*. URL: <https://pace.coe.int/en/files/29501/html?utm> (дата звернення 21.10.2025).
3. *Case of López Ostra v. Spain* (Application no. 16798/90) // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57905%22%5D%7D> (дата звернення 21.10.2025).

4. Case of Öneriyildiz V. Turkey (Application no. 48939/99) // HUDOC. URL: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-67614%22%7D> (дата звернення 21.10.2025).

5. CM(2025)51-final – 134th Session of the Committee of Ministers (Luxembourg, 13-14 May 2025) – Council of Europe Strategy on the Environment. URL: <https://search.coe.int/cm/#%7B%22CoEIdentifier%22%3A%220900001680b5cc15%22%2C%22sort%22%3A%22CoEValidationDate%20Descending%22%7D> (дата звернення 21.10.2025).

6. Commissioner for Human Rights. Thematic work. Environment and human rights. URL: <https://www.coe.int/en/web/commissioner/thematic-work/environment-and-human-rights?utm> (дата звернення 21.10.2025).

7. Die älteste Redaktion des russischen Rechts / Goetze, K. URL: <https://archive.org/details/dieltesteredakti00goet/page/n3/mode/2up> (дата звернення 21.10.2025).

8. Meeting report // Council of Europe. URL: <https://rm.coe.int/steering-committee-for-human-rights-comite-directeur-pour-les-droits-h/1680aefdb5> (дата звернення 21.10.2025).

9. Recommendation 2211 (2021) // Parliamentary Assembly. URL: <https://pace.coe.int/en/files/29501/html?utm> (дата звернення 21.10.2025).

10. Resolution 2396 (2021) «Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe» // Parliamentary Assembly. URL: <https://pace.coe.int/en/files/29499/html?utm> (дата звернення 21.10.2025).

11. Resolution 2546 (2024) «Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis» // Parliamentary Assembly. URL: <https://pace.coe.int/en/files/33515/html?utm> (дата звернення 21.10.2025).

12. Васильчук Л.Б. Поняття «інституційна система реалізації права на безпечне для життя і здоров'я довкілля в Україні» та її елементи // Науковий вісник Ужгородського національного університету : Серія: Право. – 2016. – Вип. 37, Т. 1. – С. 56–58.

13. Васильчук Л.Б. Поняття «Реалізації права на безпечне для життя і здоров'я довкілля в Україні» та його ознаки // Науковий вісник Ужгородського Національного університету: Серія: Право. – 2015. – Вип. 35, Т. 1. – С. 80–83.

14. Васильчук Л.Б. Система реалізації права на безпечне для життя і здоров'я довкілля в Україні // Порівняльно-аналітичне право. – 2015. – № 5. – С. 55–58.

15. Васильчук Л.Б., Бисага Ю.М. Реалізація права на безпечне для життя і здоров'я довкілля в Україні: Монографія. – Ужгород : Видавничий центр ДВНЗ «Ужгородський національний університет», 2019. – 208 с. URL: <https://dspace.uzhnu.edu.ua/server/api/core/bitstreams/67a4c6e4-d5d8-489d-8e87-9af125ba7df6/content> (дата звернення 21.10.2025).

16. Грицкевич С.Г. Єдність і взаємодія конституційних екологічних прав та обов'язків // Науковий вісник Національної академії внутрішніх справ України. – К., 2001. – № 2. – С. 172–180.

17. Грицкевич С.Г. Забезпечення конституційних екологічних прав і обов'язків людини і громадянина в Україні // Науковий вісник Національної академії внутрішніх справ України. – К., 1999. – № 4. – С. 85–92.

18. Грицкевич С.Г. Конституційні екологічні права в системі конституційних прав людини і громадянина // Право України. – 2001. – № 8. – С. 54–57.

19. Грицкевич С.Г. Конституційні екологічні права людини й громадянина та їх забезпечення органами внутрішніх справ: дис. ... канд. юр. наук: 12.00.02 / Грицкевич С.Г. – К., 2002. – 120 с.

20. Грицкевич С.Г. Ознаки та загальна характеристика конституційних екологічних прав // Актуальні проблеми вдосконалення чинного законодавства України: Збірник наукових статей. – 2000. – Вип. IV. – С. 80–87.

21. Еволюція прав людини // Council of Europe. URL: <https://www.coe.int/uk/web/compass/the-evolution-of-human-rights#:~:text=%D0%9A%D0%BE%D0%BD%D0%BA%D1%80%D0%B5%D1%82%D0%BD%D1%96%20%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%2C%20%D1%8F%D0%BA%D1%96%20%D0%B7%D0%B0%D0%B7%D0%B2%D0%B8%D1%87%D0%B0%D0%B9%20%D0%B2%D1%96%D0%B4%D0%BD%D0%BE%D1%81%D> (дата звернення 21.10.2025).

22. Закон України «Про охорону атмосферного повітря». URL: <https://zakon.rada.gov.ua/laws/show/2707-12#Text> (дата звернення 21.10.2025).

23. Закон України «Про охорону навколишнього природного середовища». URL: <https://zakon.rada.gov.ua/laws/show/1264-12#Text> (дата звернення 21.10.2025).

24. Закон України «Про оцінку впливу на довкілля». URL: <https://zakon.rada.gov.ua/laws/show/2059-19#Text> (дата звернення 21.10.2025).

25. Закон України «Про питну воду та питне водопостачання». URL: <https://zakon.rada.gov.ua/laws/show/2918-14#top> (дата звернення 21.10.2025).

26. Закон України «Про систему громадського здоров'я». URL: <https://zakon.rada.gov.ua/laws/show/2573-20#Text> (дата звернення 21.10.2025).

27. Бесчастний В.М., Корнієнко П.С., Щербина В.І., Соцький А.М. Конституційне право України : навчальний посібник. – Черкаси : Видавець Волчок О.Ю., 2023. – 670 с.

28. Слїнько Т.М., Летнянчин Л.І., Веніславський Ф.В. та ін. Конституційне право України : підручник. – Харків : Право, 2021. – 592 с.
29. Конституційне право України : Підручник. 11-е видання. – Ужгород : РІК-У, 2023. – 536 с.
30. Конституційне право: підручник / за загальною редакцією М.І. Козюбри. / Ю.Г. Барабаш, О.М. Бориславська, В.М. Венгер, М.І. Козюбра, А.А. Мелешевич. – К.: Ваїте, 2021. – 528 с.
31. Коритко Л.Я., Кучера А.М. Порухення екологічних прав людини в Україні в період воєнного стану (на прикладі Каховської катастрофи) // Науковий вісник Ужгородського Національного Університету. Серія ПРАВО. – 2024. – Вип. 81, Ч. 1. – С. 40–46. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/03/8.pdf> (дата звернення 21.10.2025).
32. Олійник А.Ю. Конституційно-правовий механізм забезпечення основних свобод людини і громадянина в Україні : монографія. – К. : Алерта, КНТ, Центр навчальної літератури, 2008. – 472 с.
33. Федоренко В.Л. Конституційні права і свободи людини та їх гарантування й захист в Україні : монографія. – Київ : Видавництво Ліра, 2020. – 138 с.
34. Шемшученко Ю.С., Гриньо Д.Д. Деякі аспекти обмеження екологічних прав і свобод людини під час дії правового режиму воєнного стану в Україні // Часопис Київського університету права. – 2023. – № 4. – С. 202–207. URL: <https://doi.org/10.36695/2219-5521.4.2023.37> (дата звернення 21.10.2025).

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