

# Human Rights and Environmental Protection from a Central and Eastern European Perspective

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*‘Human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the establishment of and respect for human rights.’*

UNEP – UN Environment Programme

The above quotation is significant not only from an environmental standpoint, but also from the perspective of human rights. As stated by the OHCHR: ‘A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation’, thereby underscoring the essential link between environmental protection and the realisation of human rights.

This is the very reason for formulating the present volume, which clearly aims at showcasing various perspectives of this interrelationship between human rights and environmental protection. Thinking in the long-term, and not taking exclusively immediate results into account, they both seem to lie on similar grounds: the well-being of mankind.

The present volume advances the most pressing topics of this field, providing cross-regional perspectives on universal values of human rights, environmental protection, and sustainable development, thereby fostering a deeper understanding of their interdependence and practical implementation in the Central and Eastern European region.

First, there is a chapter by Dalibor Đukić on the moral, religious and ethical foundations of the topic. It is evident that Christianity is, in several ways, connected to these issues, but this chapter gives us a general overview of the most relevant points of connection. It is particularly interesting that within Christianity, several divergent approaches exist regarding this issue; furthermore, being in Central Europe, it is worthwhile to take a wider look at and furthermore include in our analysis religions and moral attitudes outside the scope of Christianity.

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We then turn our focus on the universal level of protection: the chapter of Gyula Bándi on the development of environmental protection within the UN human rights framework treats both aspects of the UN human rights framework: the treaties, as well as the treaty bodies, i.e. the hard law element, and the soft law element thereof, latter including, among others, the resolutions, the SDGs, the work of special rapporteurs, cases, etc. Furthermore, an inspiring part is where the best practices of member states offer diverse solutions to similar problems.

Subsequently, a separate chapter by Agata Kosieradzka-Federczyk is dedicated to the development of the climate change framework within the UN, with special attention to its human rights perspective, a chapter that clearly includes the latest development tendencies.

From a Central European perspective, many environmental treaties are of high relevance. One chapter (by Matúš Michalovič) introduces us in general to these treaties, including their practice where necessary, and another one (by Monika Król) focuses on two extremely important international environmental agreements, the Aarhus and the Espoo Conventions. These treaties – as so-called multilateral environment agreements –, particularly their list of signatories show that countries of the region take these issues very seriously and participate actively in the multilateral cooperation of states. Their geographical conditions made it obvious at a very early stage that the peaceful enjoyment of human rights and a healthy environment are prerequisites for a steady background and consequently, economic and social welfare.

Following an overview (by Anikó Raisz and Enikó Krajnyák) of the most relevant human rights issues to be touched upon in the following chapters, each of these rights are analysed in detail in separate chapters, within the framework of the Council of Europe, including the relevant practice as well. First, the right to life by Maia Bitadze, this being one of the most brutal human rights interferences, securing the first place. This is followed by the most frequent meeting point of human rights and the environment, the right to a private and family life, by Lana Ofak. The right to a fair trial and an effective remedy are also of utmost importance in the field of environmental jurisdiction; thus, a complete chapter by Bartosz Majchrzak is dedicated to these issues.

The European Social Charter received a separate chapter by Cristina Oneţ in order to showcase the particularly important Central European cases. Another chapter is devoted to the European Union by Vojtěch Vomáčka: not only is the normative framework, but the relevant practice of the CJEU is also elaborated in great detail.

As these issues are of extreme relevance outside of the European continent, a dedicated chapter by Enikó Krajnyák deals with the Inter-American human rights system, including the San Salvador Protocol and, of course, the relevant case law. Similarly, the African human rights system is analysed by Cocou Marius Mensah.

The present volume thus provides both an overview and an opportunity to gain a more detailed insight into the interrelation of human rights and the environment, mainly from a Central and Eastern European perspective.