

Environmental Rights and Article 2 of the ECHR: A Focus on Central and Eastern European Jurisprudence

Maia BITADZE

ABSTRACT

Living in the 21st century means living in an era filled with new opportunities and novel challenges. This era has brought humanity economic development, industrial growth, and technological progress, resulting in overall improved well-being. However, this same progress is closely linked to harmful impacts on the human environment, such as daily exposure to harmful anthropogenic influences, soil and air pollution, water contamination and scarcity, resource depletion, deforestation, loss of biodiversity, and other natural and human-made risks exacerbated by climate change and industrial expansion. People are particularly vulnerable in urban and industrial zones, where the living environment becomes unnatural and unsuitable for humans as biological beings. While the right to life as a fundamental principle in human rights law was traditionally understood as protection against arbitrary deprivation of life, in the contemporary context, this right has evolved and encompasses not only the protection of existence in a physical sense but also the quality under which life is lived. Therefore, it is crucial that each state, at both the national and international levels, creates legislative and enforcement systems that allow individuals to benefit from the economic advancements of the 21st century while also being protected from the various factors contributing to environmental pollution and degradation. As such, environmental protection must be viewed as a critical aspect of ensuring the right to life, necessitating proactive and sustained efforts at all levels of governance. The effective administration of justice is of paramount importance in this context, particularly regarding the jurisprudence of the European Court of Human Rights (ECtHR). Through the application of the “*par ricochet*” principle, the ECtHR has firmly established that a contaminated environment adversely affects human health, poses a significant risk to life, and consequently constitutes a violation of Article 2 of the European Convention on Human Rights – the right to life.

KEYWORDS

right to life, human environment, anthropogenic, climate change, biodiversity loss

Maia Bitadze (2026) ‘Environmental Rights and Article 2 of the ECHR: A Focus on Central and Eastern European Jurisprudence’ in Raisz, A., Krajnyák, E. (eds.) *Human Rights and Environmental Protection from a Central and Eastern European Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 179–201. https://doi.org/10.71009/2026.arek.hraep_7



1. Introduction

The 1945 Charter of the United Nation¹ (The UN Charter) marked the beginning of modern international human rights law. Only decades later was the international framework established, within which international human rights law was used to address environmental issues. The development of international human rights laws pre-dates international environmental law and provides a rich source of comparative experience.² Nowadays, many international instruments explicitly or implicitly recognise the link between environmental degradation and individuals' ability to enjoy their fundamental human rights. A 1968 United Nations General Assembly resolution stated that the deteriorating state of the human environment affects 'physical, mental, and social well-being, dignity, and the ability to enjoy fundamental rights.'³ The name of the 1972 Stockholm Conference – "On the Human Environment" – directly indicates that the primary goal of international cooperation in the field of environmental protection is the protection of humans themselves.⁴ The first principle of the 1992 Rio Declaration establishes that individuals have the right to be at the centre of sustainable development and that 'They are entitled to a healthy and productive life in harmony with nature'.⁵

The European Convention on Human Rights (ECHR)⁶ entered into force in 1953 with the aim of protecting human rights and fundamental freedoms throughout Europe, marking a significant advancement in the evolution of international law. It created a supranational body, the European Court of Human Rights (ECtHR), to oversee member states' compliance with their obligations under the Convention. While the ECHR does not contain explicit articles specifically addressing environmental rights, individuals may appeal to the ECtHR if they believe that their rights – including those implicitly related to a healthy environment – have been violated by a member state.

Although all these documents emphasise the close relationship between human health, well-being, and the environment, they do not directly reference the right to live in a healthy environment. However, the right to a clean, healthy, and sustainable environment was directly and universally recognized by the UN General Assembly in July 2022.

The strong connection between human rights and environmental protection is clear: a healthy environment is a prerequisite for the enjoyment of human rights, while environmental pollution has the potential to negatively affect these rights. Environmental pollution influences both individual and collective rights and can lead

1 United Nations, 1945.

2 Sands et al., 2012, p. 776.

3 United Nations General Assembly, 1968.

4 United Nations, 1972.

5 United Nations, 1992.

6 Council of Europe, 1950.

to violations of civil, political, economic, and social rights. Linking environmental protection with human rights aims to protect individuals from the negative impacts of the environment to the extent that this protection safeguards human rights. Global environmental challenges, such as pollution, climate change, global warming, rising sea levels, natural disasters, wildfires, earthquakes, and floods, can lead to violations of human rights, including the rights to life, health, respect for private and family life, and property. On 9 April 2024, the ECtHR announced a historic decision by connecting environmental rights and climate change. In the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, for the first time, the Court ruled that the negative impact of climate change on life, health, and prosperity violated the ECHR.⁷

As of today, the main causes of environmental degradation are population growth, increasing urbanisation, and new technologies. These factors themselves are not inherently negative; rather, associated factors such as the need for more food production, increased consumption of natural resources, and greater use of natural spaces often result in negative outcomes. Thus, human environmental problems are divided into two main pillars. In the first, the focus is on direct changes in the natural environment and the deterioration of its elements (e.g., air and water pollution, soil degradation, etc.), while in the second, the primary concern is the physical and mental health of humans, as well as their living and working conditions. In the early stages of the formation of international environmental law, technological development was viewed as a contributing, and, consequently, a negative factor in significant changes to the natural environment caused by increasing industrialisation. However, special emphasis was also placed on the potential of technology to benefit the environment. While rapid industrialisation and the use of technologies, primarily in high-income countries, have significantly damaged both developed and developing nations, the problem was not the existence of new technologies but rather in their incorrect and uncontrolled use. Today, the development of environmentally friendly technologies has become a prerequisite for sustainable development.

As it currently stands, on one side of the scale is the human being and their prosperity, which requires advancements in urban, industrial, and transportation sectors, as well as increased productivity in forestry, agriculture, and fishing; on the other side of the scale is the natural environment, which is under increasing pressure from these human activities. The future of both humanity and the planet depends on our ability to find sustainable solutions that address the needs of both. However, when environmental interests are considered and proper planning is carried out in the process of economic development, population growth, increasing urbanisation, and technological development do not pose a threat to the natural environment and human lives.

Considering the main challenges to the natural environment and human health, it is crucial to understand in depth the reasons for and the nature of a transformative

⁷ *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, No. 53600/20, Judgement of 9 April, 2024.

world. Environmental challenges such as pollution, toxic exposure, climate change, biodiversity loss, lack of ecosystem services, industrial accidents, and natural disasters pose constant threats in daily life. Despite the emergence of other global crises, including wars, COVID-19, financial instability, energy shortages, and refugee crises, environmental protection and climate change remain pressing concerns worldwide. Law and jurisprudence alone cannot safeguard individuals from the consequences of environmental degradation; however, the development of justice, adequate legal frameworks, and efficient enforcement – focusing on vulnerable groups and cross-border cooperation in the field of environmental protection – can further develop a strong legal baseline.

The interrelation between human rights and environmental protection is a critical area of concern in contemporary international law. The connection between the idea that adequate protection of the environment is essential to the enjoyment of basic human rights and that every person has the right to live in a healthy environment has increasing practical applications each year. As environmental degradation and climate change pose increasing threats to human health, the need for a legal framework that addresses these issues is more significant than ever. Additionally, the United Nations and the Council of Europe also meaningfully contribute to strengthening the right to live in a healthy environment. The ECtHR, within the framework of the ECHR, has recognised the right to live in a healthy environment in many cases. Even though the Convention itself does not explicitly cover specific environmental rights, the Court has developed an indirect way of protection (*par ricochet*)⁸ in its case law to address environmental matters.

This article examines the role of Article 2 of the ECHR – which guarantees the right to life – in addressing environmental issues, with a particular focus on European case law. Through an analysis of key cases, it explores how the ECtHR has developed the conceptual relationship between environmental protection and the individual or collective right to life.

2. Development of Judicial Practice of the European Court of Human Rights in the Field of Environmental Protection and Article 2

Legal doctrine traditionally classifies human rights and freedoms according to their time of origin, identifying three generations of human rights. The idea of the three generations of human rights was first expressed by French scholar Karel Vasak.⁹ The first generation includes civil and political rights, which originated from bourgeois revolutions; the second generation consists of socioeconomic rights, rooted in

⁸ *Par ricochet* principle is not explicitly stated in the ECHR; it is a coherent addition of the broader principles governing state responsibility and the protection of human environmental rights. The Court of Human Rights has recognized this principle in multiple cases, imposing environmental liability on states for the consequences of their actions or omissions.

⁹ Vašák, 1977.

socialist ideologies; and the third generation, the so-called collective rights, reflects the demands raised by developing countries. In recent years, the view that so-called collective or solidarity rights belong to peoples and nations – and should be considered their inherent rights – has gained increasing recognition. Several approaches have emerged in the development of human environmental rights, concerning the methods for interpreting and classifying environmental rights within specific groups. Scholars suggest that environmental rights may be interpreted either as civil and political rights or as economic, cultural, and social rights. Civil and political rights, by their nature, also regulate environmental policy. Exercising rights such as the right to association, freedom of expression, personal liberty, equality, and the right to fair compensation for damage directly enables individuals or groups to take appropriate action to prevent environmental harm. Rights such as the right to life and property, access to fair justice, and freedom of information also play a significant role in the realisation of environmental rights, as they define the social framework in which environmental issues may arise. While civil and political rights directly ensure public participation in environmental protection processes, second-generation rights – economic, social, and cultural rights – essentially require environmental protection to secure human well-being. Many international treaties contain provisions that ensure the protection of rights such as the right to life, health, and a healthy working and living environment. All of these rights are directly linked to environmental protection, which should manifest in the maintenance of safe conditions for human well-being.

In the realm of fundamental rights, the ECtHR initially did not consider claims related to violations of environmental rights, as it believed that the Convention lacked provisions for their protection. However, the Court later recognised that a polluted environment negatively affects human health and poses a threat to life, thereby constituting a violation of fundamental human rights. Considering this, the Court gradually changed its position and began to deliberate applications related to the protection of environmental rights as admissible. Global economic and industrial developments have significantly impacted the evolution of European Court case law. In the early years of the Court's activity, it did not even admit substantive consideration of cases related to the protection of environmental rights. However, in later periods, the Court addressed such rights through the application of the so-called *par ricochet* principle. Relying on the broad interpretation and clarification of the articles of the ECHR, the Court managed to indirectly protect the right to benefit from a healthy environment – a matter of increasing importance in the development of democracy. By upholding the principle of balancing public and individual interests, the European Court successfully navigated the fine line between potential and actual environmental threats and the construction of a democratic society.

Alongside the development of judicial practice (case law), economic progress, and the recognition of environmental awareness in international society, it became clear that the interpretation of the Convention's provisions, including environmental aspects, is possible. As such, it became evident that the Convention

as a “living instrument” must be interpreted more broadly to ensure its effective implementation.

In its most basic form, the right to environment could be equated with the existence of an environment fit to sustain human life, that is, a “viable” environment in the most literal sense.¹⁰ As previously mentioned, neither the Convention nor its additional protocols directly guarantee the protection of human environmental rights. However, the possibility of a teleological interpretation of the rights protected by the Convention may be invoked in cases concerning the protection of environmental rights within ECtHR judicial practice. In parallel with the elaboration of meaningful jurisprudence and legislation by EU institutions to protect humans from the risk of a dangerous environment, the ECtHR has developed significant case law to safeguard individuals and their interests, including home, well-being, and privacy, from a hazardous living environment.

As the Court has developed an indirect recognition of environmental rights, it has observed that a variety of ecological factors can threaten and affect humans and their rights under the Convention. Considering international instruments for the protection of the environment (e.g., EU Acquis (“Aquis Communautaire”),¹¹ the Aarhus Convention,¹² the Lugano Convention,¹³ the Rio Declaration¹⁴, etc.), the ECtHR built on its case law to address environmental issues in both procedural and substantive rights, namely Article 2 (“right to life”), Article 6 (“right to a fair trial”), Article 8 (“right to respect for private and family life”), Article 10 (“freedom of expression”), and Article 13 (“right to an effective remedy”), as well as Article 1 of the Convention Protocol No. 1 (“right to property”). Consequently, the Court has delivered landmark decisions, such as *Oneryildiz v. Turkey*,¹⁵ *Anna Maria Guerra and Others v. Italy*,¹⁶ and *López Ostra v. Spain*.¹⁷

Thus, it is vital to analyse the case law and understand in depth the first indirect method of protecting environmental rights under the Convention. It is also important to examine the main challenges to environmental rights arising from hazardous activities, particularly those that threaten human lives. Recognising the link between the right to life and environmental protection provides an advantage in addressing these challenges and ensuring a safer and healthier environment for everyone. Analysing ECtHR practices concerning Article 2 of the Convention is crucial, especially in European countries, where historical, political, and social factors have shaped how states behave and protect human rights. This is an area where the precedents set by

10 Dejeant-Pons and Pallemarts, 2002, p. 19.

11 The Aquis Communautaire is the framework of European Union law, comprising all legally binding acts promulgated by the Union's institutions, including treaties, regulations, directives, decisions, and other secondary legislation.

12 United Nations Economic Commission for Europe, 1998.

13 The Council of Europe, 1993.

14 United Nations Conference on Environment, 1992.

15 *Oneryildiz v. Turkey*, No. 48939/99, Judgement of 30 November 2004.

16 *Anna Maria Guerra and Others v. Italy*, No. 116/1996/735/932, Judgement of 19 February 1998.

17 *López Ostra v. Spain and others*, No. 16798/90, Judgement of 09 December 1994.

the ECtHR have a fundamental role to play.¹⁸ Conversely, the protection of the right to life is also essential for the protection of all other human rights safeguarded under the Convention.

3. The Impact of Article 2 of the ECtHR on Environmental Law: A Comparative Analysis of European Cases

Within the concept of human rights, the right to life is one of the fundamental and absolute rights. It means that every person has an inherent right to life. This right can be considered more important than all others. It is protected by law, and no one's life may be arbitrarily deprived. The right to life begins at the moment of birth and ends at the moment of death. It belongs to the category of natural rights. It is non-derogable and may not be subject to reservations or exceptions, except as permitted under international law. The right to life imposes both negative and positive obligations on the state. On the one hand, it prohibits the state from arbitrarily interfering with an individual's life (negative obligation); on the other hand, it requires the state to take active measures to protect life (positive obligation).

Article 2 of the Convention enshrines and guarantees one of the most fundamental human rights, stating that: (1) Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally, save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law; (2) Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force that is no more than absolutely necessary: (a) In defense of any person from unlawful violence; (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) In action lawfully taken for the purpose of quelling a riot or insurrection.

In the hierarchy of human rights, the right to life stands above all others, and as the supreme right, serves as a protective umbrella for safeguarding other rights. All other rights guaranteed under international law can be said to complement and enhance the right to life to some degree. Additionally, it is noteworthy that modern international law imposes certain obligations on states to fulfil their positive duty and establish effective mechanisms to ensure the protection of the right to life within their jurisdiction. Article 2 of the Convention does not solely pertain to actions by state bodies that may result in the deprivation of life. As evident from judicial practice, court decisions largely focus on the failure of states to fulfil their positive obligations or the improper execution of those obligations, including the effective use of preventive measures in relation to activities that pose foreseeable dangers. The consideration of Article 2 in the context of environmental rights is also noteworthy, given that environmental rights under modern international law are interpreted as

18 Dejeant-Pons and Pallemmaerts, 2002, p. 46.

rights with collective characteristics. This makes the application of Article 2 in an environmental context particularly significant.

When discussing environmental protection and the maintenance of healthy and safe environmental conditions, it must first be considered that pollution of air, water, soil, climate change, and other factors cannot affect only one person's rights, nor can it be limited to the territory of a single state. In any case, whether the Court considers Article 2 in relation to environmental rights as a collective or individual right, it is interesting that, in the context of states fulfilling their positive obligations, court decisions rely on the extension of these obligations to activities considered inherently dangerous. Moreover, it does not matter whether such activities are carried out directly by the state or by other individuals within the territory of that state.

Thus, in the interest of effectively protecting the right to life, the Convention not only requires states to refrain from unlawfully taking life but also envisions the state's obligations to actively protect the right to life. Effective protection of life entails that the state implements appropriate measures to safeguard this right from potentially dangerous threats. In addition to enforcement, these appropriate measures also include management and regulatory mechanisms that every state must possess at the level of national legislation, such as relevant licences, permits, legal restrictions, and prohibitions that minimise the negative impact on human life. Furthermore, it is noteworthy that the Court pays special attention to the right to freedom of information as an additional means of ensuring that the right to life is adequately guaranteed in an environmental context.

Therefore, the ECtHR has interpreted Article 2 as imposing both negative and positive obligations on states. Under the Convention, states must refrain from unlawful deprivation of life, ensuring that any use of force is strictly necessary and proportionate. Positively, states are required to take proactive measures to protect the lives of individuals. Nowadays, this positive obligation is interpreted in a wider context, encompassing environmental risks that pose a significant threat to human life. The Court has developed case law and recognised that environmental degradation, pollution, and natural disasters can constitute violations of the right to life when states fail to take relevant measures to prevent or mitigate environmental threats. The ECtHR has acknowledged that environmental hazards can pose a risk to the right to life as enshrined under Article 2. This acknowledgement is based on the understanding that a safe, clean, and healthy environment is crucial for the enjoyment of fundamental human rights. The Court has developed a complex approach to environmental rights, emphasising that states are obliged to establish a legal framework that effectively addresses environmental hazards. By establishing a regulatory framework, states must ensure the adoption of laws and the setting of standards that will protect human life and prevent or mitigate environmental harm. This includes various environmental management tools and procedural safeguards, such as implementing early warning systems, conducting environmental impact assessments, maintaining infrastructure to resist environmental threats, enhancing public participation, improving

access to information, and facilitating access to justice to provide effective remedies for affected individuals.

As noted, the connection between Article 2 of the ECHR and environmental law is now evident and reinforced by judicial practice. This is particularly notable when it comes to the protection of human life. The effectiveness of applying Article 2 has also been demonstrated in cases where states fail to protect an individual's life and health from harmful environmental factors. The development of case law has clarified that, under Article 2, states are obliged to take appropriate regulatory and executive measures to protect human life and health in situations involving environmental risks, such as environmental pollution and its constituent elements, and natural or anthropogenic disasters. Hence, it can be firmly stated that Article 2 is a vital legal instrument for safeguarding the right to live in a healthy environment. The application of this article in an environmental context is particularly significant in European countries, where complaints brought before the ECtHR have been submitted for different reasons and the Court's practice varies accordingly.

Article 2 of the Convention establishes the right to life, which now includes the positive obligation of states to take appropriate measures to protect human life and the negative obligation of states to refrain from violating the right to life. It is also noteworthy that, according to judicial practice, Article 2 is frequently applied in cases involving the early assessment of threats to human life caused by environmental pollution or degradation, as well as the obligation to inform citizens.

When reviewing ECtHR practices across European countries, it becomes clear that the Court primarily focuses on determining the compatibility of environmental regulations with European human rights standards. It must also be emphasised that Western European countries have higher national environmental protection standards and more developed legal and enforcement mechanisms. Appeals based on Article 2 are relatively frequent in cases brought from Western European countries, in contrast to Central and Eastern European nations, and the Court's decisions are largely based on effective and stringent environmental standards and preventive measures. Despite widespread industrial pollution, environmental degradation, and climate-related vulnerabilities in Central and Eastern Europe, the lack of Article 2-based environmental case law can be attributed to several factors: strategic preference for Article 8 claims, procedural and evidentiary hurdles, a limited tradition of rights-based environmental litigation, and weak institutional support for judicial redress. In these countries, special governmental bodies have long been responsible for environmental protection, and citizen enforcement is a new phenomenon in the judicial system. The public is not familiar with the concept of suing either the government or enterprises.¹⁹ It is also worth noting that, unfortunately, addressing environmental problems is not a high priority on the political agendas of most newly independent nations in Eastern Europe as their primary concern is the development

19 Kravchenko, 2004, p. 491.

of a stable economy.²⁰ Furthermore, sociopolitical sensitivities and the ECtHR's cautious approach to expanding Article 2's jurisprudence in environmental matters have contributed to this lacuna. These challenges underline the need for greater awareness, legal mobilisation, and institutional reform to bring life-threatening environmental harm within the scope of human rights protection under Article 2. In another legal context, the ECtHR – which makes no reference to environmental protection or the right to be free from environmental harm – is applied by the Court to establish the right to challenge acts or omissions of public authorities that have caused environmental harm.²¹ It is important to note that this right is applied only where such acts or omissions are not in conformity with domestic law.²²

Although the ECtHR has well-established case law on the application of Article 2 in cases related to environmental rights, it is noteworthy that there are few cases in which the Court has found a violation of Article 2. Such cases primarily involve applicants who have suffered harm due to hazardous activities or natural disasters. It is interesting to note that, in practice, the application of Article 2 by the Court is limited and directly linked to serious threats, harm, and the failure of states to fulfil their preventive obligations. However, when seeking redress in environmental cases before the Court, applicants often turn to Article 8 instead of Article 2. This tendency results from the strict and demanding threshold imposed by Article 2, rather than from any diminished significance of the right to life. Most environmental harms are often diffuse, cumulative, and not immediately life-threatening, making it difficult to establish a violation under Article 2. To do so, applicants must demonstrate a real and immediate risk to life and a causal link between the risk and the authorities' failure to take appropriate preventive measures. Even when there is no immediate threat to life, the Court may consider a broader range of environmental harms, such as prolonged exposure to pollutants or disruptions to private and family life. This is evident in the case of *Fadeyeva v. Russia*,²³ where the Court determined that extended exposure to industrial pollution violated Article 8, even though the applicant's life was not in danger. Similarly, the Court decided in favour of the applicant in *López Ostra v. Spain*,²⁴ because waste treatment operations seriously interfered with her home and well-being. These issues are clearly covered by Article 8's protections, although they may not satisfy the stringent requirements of Article 2. Additionally, a more nuanced judicial investigation into the balance between individual rights and the public interest is enabled by the proportionality analysis inherent in Article 8, which is not available under the more absolute and binary framework of Article 2. In other words, Article 8 provides applicants with a more practical and efficient route to relief in most environmental cases where the harm is severe but not immediately fatal, whereas Article 2 offers robust protection in cases involving death or foreseeable

20 Misuraca, 1994, p. 399.

21 See, e.g. *López Ostra v. Spain and Others*, No. 16798/90, Judgement of 09 December 1994.

22 Bogojevic, 2020, p. 194.

23 *Fadeyeva v. Russia*, No. 55723/00, Judgement of 09 June 2005.

24 *López Ostra v. Spain and others*, No. 16798/90, Judgement of 09 December 1994.

lethal hazards. Because of its practical flexibility and lower burden of proof, Article 8 has emerged as the preferred vehicle for environmental human rights litigation.

Moreover, Article 2 is frequently applied in conjunction with Articles 8 and 10. For a comprehensive analysis, it would be useful to review complaints submitted under Article 2 by applicants from Western European countries as well as those from Central and Eastern Europe. Analysing case law helps to understand how the right to life is interpreted and applied, ensuring that states uphold their obligations to protect life. As mentioned above, there are only a few cases in which the Court has found a violation of Article 2 in the context of environmental issues, namely where applicants have been exposed to dangerous activities or natural disasters. Strasbourg case law has contributed to the development of certain “environmental obligations” incumbent upon state parties by virtue of the Convention. These include the positive obligation to regulate industrial or technological activities that might adversely affect the sphere of protected rights, such as the right to life.²⁵

3.1. Admitted Cases

3.1.1. Violation of Article 2 of ECHR

*Öneryıldız v. Turkey*²⁶ marks the starting point for recognising the link between the environment and the right to life. In this case, the applicant’s home located near a dumpsite was destroyed due to a methane explosion in April 1993, resulting in the deaths of nine family members. The applicant argued that the relevant authorities had not taken any precautionary action to avoid the foreseeable risk of explosions, despite expert reports that showed that preventive measures were needed.

The ECtHR ruled that there had been a violation of Article 2 of the Convention, under both its substantive and procedural limbs. The substantive violation concerned the failure to take adequate measures to prevent the accidental deaths of the applicant’s family members. The Court found that the Turkish Government failed to warn residents of the risks arising from the dumpsite and had not taken the necessary practical measures to avoid those risks. The procedural violation concerned an inadequate legal system and a deficient regulatory framework, which failed to ensure an effective supervisory system regulating the dumpsite’s opening and operational processes. Similarly, town planning policies were weak and clearly contributed to the events that led to the accident. In the Court’s assessment of the factual circumstances of the case, it was stated that:

‘Firstly, the regulatory framework proved defective in that the Ümraniye municipal waste-collection site was opened and operated despite not conforming to the relevant technical standards and there was no coherent supervisory system to encourage those responsible to take steps to ensure

²⁵ Francioni, 2010, p. 49.

²⁶ *Öneryıldız v. Turkey*, No. 48939/99, Judgement of 30 November 2004.

adequate protection of the public and coordination and cooperation between the various administrative authorities so that the risks brought to their attention did not become so serious as to endanger human lives. That situation, exacerbated by a general policy which proved powerless in dealing with general town-planning issues and created uncertainty as to the application of statutory measures, undoubtedly played a part in the sequence of events leading to the tragic accident of 28 April 1993, which ultimately claimed the lives of inhabitants of the Ümraniye slums, because the State officials and authorities did not do everything within their power to protect them from the immediate and known risks to which they were exposed.²⁷

In addition to the violation of Article 2, the Court also found a violation of Article 1 (protection of property) of Protocol No. 1 to the Convention, as well as a violation of Article 13 (right to an effective remedy).

This position of the Court was reaffirmed in *Budayeva and Others v. Russia*,²⁸ where a breach of Article 2 was recognised. In July 2000, the applicant's spouse and eight other inhabitants died in a devastating mudslide in the city of Tyrnauz, Russia. Those who survived suffered physical injuries and the destruction of their homes. It was alleged that the Russian Government failed to take adequate preventive or post-catastrophe mitigation measures to address the disaster and its outcomes. In addition, the authorities did not initiate an official enquiry to determine what had happened. This was the cornerstone of the serious violation of Article 2 of the Convention. The Court concluded that the Russian authorities had failed to enforce protective measures for the inhabitants to protect them from mudslides. The authorities had not enacted the necessary land-planning and emergency relief measures, despite acknowledging the risk. Furthermore, Russia did not investigate the causes of the accident through either judicial or administrative procedures. In its decision, upon careful consideration of the factual circumstances, the ECtHR concluded that:

‘...there was no justification for the authorities’ omissions in the implementation of the land-planning and emergency relief policies in the hazardous area of Tyrnauz regarding the foreseeable exposure of residents, including all applicants, to mortal risk. Moreover, it finds that there was a causal link between the serious administrative flaws that impeded their implementation and the death of Vladimir Budayev and the injuries sustained by the first and the second applicants and the members of their families.’²⁹

27 Ibid.

28 *Budayeva and Others v. Russia*, Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Judgement of 20 March 2008.

29 Ibid.

Hence, due to the lack of investigation into the incident, the Court found a procedural violation of Article 2.

In *Özel and Others v. Turkey*,³⁰ the Court confirmed another breach of Article 2. The relatives of the applicants lost their lives during one of Turkey's largest earthquakes on 17 August 1999. People were buried beneath collapsed buildings in a "high-risk" area of the city of Çınarcık. The Turkish authorities took a long time to investigate who was responsible for the collapse of the buildings to determine the causes of the deaths. The ECtHR held that the Turkish authorities had been reluctant to investigate the responsibilities and circumstances surrounding the collapse of the buildings that caused the deaths, and therefore had violated Article 2 of the Convention in its procedural limb. The Court specifically emphasised in its decision that:

'Even in the presence of obstacles or difficulties which prevent progress in an investigation in a particular situation, a prompt response by the authorities is vital in maintaining public confidence in their adherence to the rule of law ... In the present case, the Court can only note that the length of the proceedings at issue breaches the requirement of a prompt examination of the case, without any unnecessary delays.'³¹

In *Kolyadenko and Others v. Russia*,³² the Court's decision also found a violation of Article 2. The applicants, who resided near the Pionerskaya River and a water reservoir, suffered a devastating flood in 2001. In the application, it was mentioned that the government's failure to properly maintain the river channel and its release of water without warning had put their lives in danger. They further submitted that they did not have an effective remedy at the national level to address their complaints regarding the substantial damage to their homes and property. It was concluded that the Russian Government had neglected its positive obligation to protect the applicant's life. Hence, the ECtHR concluded that there had been a violation of Article 2. Additionally, the procedural limb of Article 2 was also breached, as the justice system's assessment of the events did not ensure full accountability of the responsible individuals or authorities. The Court also concluded that there was a violation of Article 8 (right to respect for private and family life) and Article 1 (protection of property) of Protocol No. 1 to the Convention, finding that the responsible officials and authorities had failed to do everything within their power to protect the applicant's rights under these provisions.

By linking environmental risks, the right to life, and access to information, the Court also found a violation of Article 2 in *Brincat and Others v. Malta*.³³ The appli-

30 *Özel and Others v. Turkey*, Nos. 14350/05; 15245/05 and 16051/05, Judgement of 02 May 2016.

31 *Ibid.*

32 *Kolyadenko and Others v. Russia*, Nos. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05, Judgement of 09 July 2012.

33 *Brincat and Others v. Malta*, Nos. 60908/11, 62110/11, 62129/11, 62312/11, and 62338/11, Judgement of 24 October 2014.

cants were shipyard repair workers who suffered from respiratory diseases due to continuous exposure to asbestos over several decades. In the application, it was stated that the authorities did not take sufficient measures to protect workers from foreseeable and detrimental consequences to their health.

Given the serious danger posed by asbestos, the Court held that the Maltese Government failed to meet its positive obligations under the Convention. Despite having certain flexibility in managing the risk (“margin of appreciation”), it was expressly stated in the decision that:

“The above considerations lead the Court to conclude that in view of the seriousness of the threat at issue, despite the State’s margin of appreciation as to the choice of means, the Government have failed to satisfy their positive obligations, to legislate or take other practical measures, under Articles 2 and 8 in the circumstances of the present case.”³⁴

The Maltese Government did not use legislative or other practical measures to adequately protect or inform the applicants about the impending risks to their health and lives. Therefore, the ECtHR decided that there had been a violation of Article 2 (right to life) with respect to the applicants whose relatives had died, and a violation of Article 8 (right to respect for private and family life) in relation to the other applicants.

The analysis of these cases highlights the crucial connection between environmental risks and the right to life. The Court has consistently ruled against states that fail to implement precautionary measures, resulting in tragic losses. Inadequate responses to natural disasters and weaknesses in regulatory frameworks further demonstrate how such failures can violate the right to life. The Court’s findings emphasise the need for effective government action to prevent future tragedies. Overall, these rulings reflect an evolving understanding of state responsibilities in ensuring environmental safety.

3.1.2. Applications Where No Breach of Article 2 Was Found and Inadmissible Applications
Although it is not possible to provide an exhaustive list of situations in which the link between environmental issues and the right to life is clear, it must be stressed that cases in which issues under Article 2 have arisen are remarkable. It is also interesting to analyse cases where the Court has considered Article 2 in relation to environmental issues but found no breach, or cases that were declared inadmissible. One of the earliest cases is *L.C.B. v. the United Kingdom*.³⁵ In this case, the applicant complained that she was diagnosed with leukaemia at the age of four due to the negligence of the UK authorities. Before her birth, her father had served as a catering assistant in the Royal Air Force on Christmas Island, where he had been exposed to nuclear radiation. In

³⁴ Ibid.

³⁵ *L.C.B. v. the United Kingdom*, No. 14/1997/798/1001, Judgement of 9 June 1998.

the application, she argued that the failure of responsible institutions to warn her parents about the potential health risks, or to monitor her health prior to her diagnosis, constitutes a breach of Article 2. The Court highlighted in its decision that:

‘The Court notes that the applicant’s father was serving as a catering assistant on Christmas Island at the time of the United Kingdom’s nuclear tests there In the absence of individual dose measurements, it cannot be known with any certainty whether, in the course of his duties, he was exposed to dangerous levels of radiation. However, the Court observes that it has not been provided with any evidence to prove that he ever reported any symptoms indicative of the fact that he had been exposed to above-average levels of radiation.’³⁶

The Court found no violation of Article 2 (right to life) of the Convention. Given the information available to the British authorities at the relevant time concerning her father’s participation in nuclear tests, they could not have been expected to warn her parents or take any special measures for her. The applicant did not sufficiently prove that the UK Government knew her father was exposed to dangerous levels of radiation or that it was a risk to her health.

In the case of *Viviani and Others v. Italy*,³⁷ the applicants submitted a claim highlighting that the Italian Government had failed to establish an appropriate administrative and regulatory framework to protect the right to life of individuals residing in the immediate vicinity of Mount Vesuvius. It was also submitted that the lack of awareness about possible hazards resulting from a potential volcanic eruption exposed the applicants to real and immediate risks, infringing their right enshrined in Article 8 of the Convention, concerning respect for private and family life. Applying Article 35, paragraph 1 (admissibility criteria) of the Convention, the Court declared the application inadmissible because the applicants failed to exhaust all available domestic remedies. The Court noted that, although the applicants had several domestic remedies available, such as lodging complaints with the courts or administrative authorities, they failed to use all available measures and instead merely asserted that those remedies were ineffective.

In the case of *Murillo Saldias and Others v. Spain*,³⁸ the applicants were victims of the August 1996 Biescas camping catastrophe in the Spanish Pyrenees, where 87 people lost their lives as a result of severe floods and heavy rain. The first applicant’s parents and siblings died in the accident, and all other applicants suffered serious injuries. They stated that the Spanish government did not implement any precautions to protect the campers’ right to life, as the authorities, recognising the inherent risks, allowed the area to be used for camping activities. The application was declared inadmissible. The Court noted that the first applicant had received compensation through

³⁶ Ibid.

³⁷ *Viviani and Others v. Italy*, No. 9713/13, Decision of 16 April 2015.

³⁸ *Murillo Saldias and Others v. Spain*, No. 76973/01, Decision of 28 November 2006.

the national court, the amount of which was deemed appropriate. Therefore, he could no longer complain under Article 34 (right of individual petition). In the cases of the other applicants, the Court ruled that the application was inadmissible because domestic remedies had not been exhausted, in accordance with Article 35, paragraph 1 (admissibility criteria).

The case of *Smaltini v. Italy*,³⁹ which is related to industrial emissions, was also found inadmissible by the Court. The application concerned the damaging effect of industrial emissions on the health of the first applicant, who died of leukaemia. The applicant's surviving spouse argued that there was a causal link between the steelworks emissions and the development of her disease. The ECtHR declared the application inadmissible as manifestly ill-founded. Assessing the procedural aspect of Article 2, the Court observed that the first applicant had had access to adversarial proceedings, particularly investigations conducted at her request. The Court concluded that the applicant failed to prove a breach of the procedural limb of her right to life.

Despite the case being found inadmissible by the Court, it is worth noting that *Careme v. France*⁴⁰ is one of the most recent and interesting cases relating to climate change, greenhouse gas (GHG) emissions, and the right to life. The applicant complained that the measures taken by the French authorities were insufficient to achieve a 40% GHG emission reduction under the Paris Agreement. The French court rejected the individual application of a former mayor, concluding that he did not have sufficient personal interest. The applicant claimed that his expulsion breached his rights under the Convention, particularly Articles 2 (right to life) and 8 (right to respect for private and family life). The Court invoked the case *Duarte Agostinho and Others v. Portugal* and ruled that the application was inadmissible because the applicant did not live in France and therefore could not claim victim status under Article 34 (individual applications) of the Convention.

In the case of *Duarte Agostinho and Others v. Portugal and 32 Other States*,⁴¹ the applicants (Portuguese nationals, ranging from 10 to 23 years of age) complained that Portugal and other EU Member States had infringed on their fundamental rights through deficient measures taken against climate change. The applicants argued that GHG emissions from these states were causing global warming, heatwaves, and other damaging climate effects that adversely affected their living conditions and health. They alleged that the states breached their positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the ECHR, together with obligations arising from the Paris Agreement on climate change. Furthermore, they claimed that global warming and its effects fall disproportionately on their

39 *Smaltini v. Italy*, No. 43961/09, Decision of 16 April 2015.

40 *Careme v. France*, No. 7189/21, Decision of 09 April 2024.

41 *Duarte Agostinho and Others v. Portugal and 32 Other States*, No. 39371/20, Decision of 09 April 2024.

generation, which is protected under Article 14 (prohibition of discrimination). The ECtHR delivered a judgement declaring the application inadmissible.

Regarding the extraterritorial jurisdiction of the respondent states, namely those other than Portugal, the Court decided that there was no basis in the ECHR to extend their jurisdiction by judicial interpretation, as the applicants had requested. Particularly, in the ruling, it was stressed that:

‘As regards the respondent States other than Portugal, the Court has found that the present complaints are inadmissible because the applicants are not within the jurisdiction of those States. Therefore, the issue of exhaustion of domestic remedies only remains to be determined in respect of Portugal, as the sole respondent State having jurisdiction concerning the applicants’ complaints (see paragraph 214 above). The Court will therefore examine specifically whether there were effective remedies in Portugal concerning the applicants’ complaints, which the applicants were required to use (see paragraphs 217-227 below).⁴²

Therefore, complaints against the respondent states were not admissible because they did not meet the requirements of Article 35, paragraphs 3 and 4 of the Convention. Additionally, the Court held that the applicant had not exhausted domestic remedies, which must be completed before lodging an application against Portugal:

‘It is uncontested that the applicants did not pursue any legal avenue in Portugal concerning their complaints. They argued that the mere existence of a broad constitutional provision (as was, according to them, the case in Portugal and some other States) could not provide for an effective and sufficiently certain remedy. They also challenged the effectiveness of the use of any possible domestic remedies (see paragraph 131 above).⁴³

‘The Court cannot accept these arguments having regard to the remedies available in the Portuguese legal system.⁴⁴

Given the remedies available within the Portuguese legal system, the Court’s conclusion that the applicants failed to exhaust domestic remedies was undeniably justified.

The analysis of these cases shows a complex relationship between legal principles and practical realities. While some cases acknowledge environmental threats, many applications are dismissed due to procedural issues, such as failure to exhaust

42 *Duarte Agostinho and Others v. Portugal and 32 Other States*, No. 39371/20, Decision of 09 April 2024.

43 *Ibid.*

44 *Ibid.*

domestic remedies or insufficient evidence. These rulings highlight the evolving connection between environmental protection and human rights, underscoring the need for strong national legal frameworks and proactive measures.

3.1.3. Pending Cases Related to Environmental Issues and Article 2

The ECtHR is currently considering several cases that could have a profound impact on the development of environmental rights jurisprudence. A notable example is *Di Caprio and Others v. Italy*,⁴⁵ which concerns the “*Terra dei Fuochi*” phenomenon (illegal dumping and burning of toxic waste), particularly in the Campania region in the provinces of Naples and Caserta. According to the applicants, the disposal of waste released harmful pollutants into the air, contaminated the soil and groundwater, and caused widespread health problems among local residents. According to the ECtHR, these applications have been brought to the Italian Government’s attention, and the Court has also posed questions to the parties concerning the presumed violations of Article 2 (right to life), Article 8 (right to respect for private and family life), and the criteria for admissibility under Article 35. Another relevant case is *Greenpeace Nordic and Others v. Norway*,⁴⁶ in which the applicants argued that the Norwegian Government’s decision to issue new licences for fossil fuel exploration on the continental shelf would exacerbate the harmful consequences of climate change for future generations. They claimed that the government’s decision was a violation of their conventional rights protected under Articles 2 (right to life), 8 (right to respect for private and family life and the home), 13 (right to an effective remedy), and 14 (prohibition of discrimination) of the Convention. These cases are still pending before the ECtHR and have the potential to significantly shape the jurisprudence on environmental rights. Their outcomes could establish important precedents for future cases and clarify the scope of the state’s obligations under Article 2 and other relevant provisions.

4. Deliberations for Defining Article 2 Violations

In summary, the preceding section has established that the human rights dimension of environmental protection goes beyond what is thought to be a matter of basic environmental conditions affecting human health. This review highlights the developing legal framework in the ECtHR concerning environmental protection and its interconnection with the right to life under Article 2 of the Convention. Evolving case law clearly shows that the Court distinguishes the impact of environmental conditions on human health and quality of life, and even finds that the embarrassment resulting from a lack of preventive information might constitute a violation of the rights under the Convention, including Article 2. The growing awareness of environmental

45 *Di Caprio and Others v. Italy*, Nos. 39742/14, 51567/14, 74208/14, 21215/15, Communicated Case of 05 February 2019.

46 *Greenpeace Nordic and Others v. Norway*, No. 34068/21, Communicated Case of 15 June 2021.

degradation, pollution, and climate change as basic threats to human life has led to the interpretation of Article 2 in light of current global challenges. Although environmental rights are not explicitly expressed in the ECHR, the Court has developed an evolving body of jurisprudence linking environmental degradation to violations of the right to life. This is particularly evident in the application of the *par ricochet* principle, which allows the indirect protection of environmental rights by focusing on their impact within a well-established human rights system, including the right to life.

Since the late 20th century, the ECtHR's case law regarding Article 2 has undergone a significant transformation. In the early years, the Court was reluctant to recognise the interrelationship between environmental harm and human rights, as the Convention and its additional protocols do not provide for environmental rights or interests related to environmental matters. However, the Court's approach has changed over the years and with the development of international environmental law. In landmark cases such as *Öneryıldız v. Turkey*⁴⁷ and *Budayeva v. Russia*,⁴⁸ the Court set precedents acknowledging that failure to take necessary precautions against environmental hazards can lead to a violation of the right to life. These decisions underline the positive obligations of states to take preventive measures to safeguard individuals from environmental hazards, especially where those hazards are foreseeable and represent a serious threat to human life. The Court has held that the right to life, enshrined in Article 2, imposes an obligation on the state not only to prevent the deprivation of life but also to take proactive measures to protect human lives from threats arising from environmental degradation and hazards. In its interpretation of Article 2, the ECtHR has developed a broad approach as regards state accountability for any environmental harm that would lead to human death. This includes the obligation for states to establish regulatory frameworks that are effective in preventing or mitigating environmental risks and to ensure proper enforcement of existing environmental regulations. The cases of *Öneryıldız v. Turkey* and *Budayeva v. Russia* illustrate the Court's expectation that states must take appropriate steps to prevent disasters and protect citizens from predictable risks, such as methane explosions or mudslides. Moreover, the Court has emphasised the importance of procedural responsibilities, requiring states to conduct investigations, assessments, and examinations following environmental disasters, ensure public access to relevant information, and guarantee effective remedies for those affected.

Therefore, a key strand in the ECtHR's jurisprudence concerns state accountability for failing to fulfil these obligations. The Court's general conclusions in judgements such as *Kolyadenko v. Russia*⁴⁹ and *Özel and Others v. Turkey*⁵⁰ reflect the increasing

47 *Öneryıldız v. Turkey*, No. 48939/99, Judgement of 30 November 2004.

48 *Budayeva and Others v. Russia*, Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02 Judgement of 20 March 2008.

49 *Kolyadenko and Others v. Russia*, Nos. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05, Judgement of 09 July 2012.

50 *Özel and Others v. Turkey*, Nos. 14350/05; 15245/05 and 16051/05, Judgement of 02 May 2016.

importance of preventive measures and the duty of the state to take action to avert environmental risks likely to pose harm or endanger human life. In these cases, the Court ruled that states had failed to adopt the necessary precautionary steps to protect citizens from natural disasters, such as floods and earthquakes, resulting in Article 2 violations. These decisions have established that the state's responsibility extends beyond emergency response efforts to include long-term planning and risk management measures aimed at preventing the loss of life in environmental crises.

At the same time, the application of Article 2 to environmental matters is not without challenges. In many cases, the Court has faced significant hardships in establishing a clear and direct causal relationship between environmental damage and the violation of the right to life, particularly in cases where the connection is less immediate. Examples include *Viviani v. Italy*⁵¹ and *Smaltini v. Italy*.⁵² In these cases, the Court held that there was insufficient evidence provided by the applicants to prove that the state's actions or omissions directly caused environmental damage that interfered with their right to life. In *Smaltini v. Italy*, the Court was not convinced that industrial emissions caused the applicant's leukaemia, while emphasising the difficulty of proving causation in cases where harm to the environment and health effects may be long-term and complex. These cases illustrate the procedural and evidentiary hurdles that applicants face when seeking to hold states accountable for environmental degradation under Article 2.

Recent developments in the Court's jurisprudence, particularly regarding climate change, indicate an important shift in how environmental rights are viewed within the context of Article 2. The *Verein KlimaSeniorinnen Schweiz v. Switzerland*⁵³ case represents a significant step forward in recognising the observable and direct impacts of climate change on the right to life. In this case, the Court found that climate change effects, such as rising temperatures and extreme weather conditions, posed real risks to the life, health, and well-being of individuals and that Switzerland had failed to take sufficient measures to address those risks. This decision represents a determining moment in the development of human rights law, as it connects the broader global issue of climate change with the specific legally protected right to life under the Convention. This ruling has the potential to open the door to further evolution of human rights law by strengthening the connection between environmental protection and the safeguarding of human rights.

The integration of climate change into Article 2 jurisprudence indicates a broader trend in international law, in which environmental matters are increasingly viewed through the lens of human rights protection. However, while the UN General Assembly's recent acknowledgment of the right to live in a clean, healthy, and sustainable environment represents a significant development in international law, the ECtHR's

51 *Viviani and Others v. Italy*, No. 9713/13, Decision of 16 April 2015.

52 *Smaltini v. Italy*, No. 43961/09, Decision of 16 April 2015.

53 *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, No. 53600/20, Judgement of 9 April 2024.

role in interpreting and enforcing human rights in Europe adds critical legal weight to these emerging norms. Although environmental degradation and climate change may make global challenges worse, the ECtHR is likely to face more cases that involve balancing economic development and industrial progress while ensuring environmental sustainability and safeguarding human life.

The Court's approach to Article 2 in environmental contexts not only emphasises the importance of state responsibility but also imposes a positive obligation on states to develop and maintain a comprehensive framework for effective environmental governance aimed at protecting the right to life from environmental risks. Such a framework might include laws and policies protecting environmental rights, preventive regulatory systems, sustainable land-use planning, and disaster readiness, as well as legal systems to provide public access to environmental information and judicial oversight. Overall, the scope of environmental protection afforded by the European Convention has been conditioned on the existence of a direct link between environmental degradation and serious impairment of an individual right, which must be assessed on a case-by-case basis.⁵⁴

5. Conclusion

In conclusion, Article 2 of the ECHR serves as a powerful legal tool for addressing the growing threats posed by environmental degradation and climate change. The ECtHR's jurisprudence has evolved to recognise the right to life as encompassing not only protection from arbitrary deprivation of life but also the need to safeguard individuals from foreseeable environmental risks. The development of this jurisprudence provides an important route to environmental sustainability within the larger framework of protecting human rights. The ECtHR's legal rulings on Article 2 have not only helped protect the environment but have also raised public awareness and encouraged discussions about environmental issues. As states face increasing pressure to address climate change, pollution, and other environmental hazards and risks, the Court's role in enforcing Article 2 obligations will continue to be critical in ensuring that human life is protected in an increasingly hazardous natural world.

54 Dupuy and Vinuales, 2018, p. 370.

Bibliography

- Anna Maria Guerra and Others v. Italy* (1998) No. 116/1996/735/932, Judgment of 19 February 1998, European Court of Human Rights.
- Bogojević, S. (2020) 'Environmental Law and the European Convention on Human Rights: Towards an Integrated Approach?' in Lees, E., Viñuales, J. E. (eds.) *The Oxford Handbook of Comparative Environmental Law*. 2nd edn. Oxford: Oxford University Press, p. 194.
- Brincat and Others v. Malta* (2014) Nos. 60908/11, 62110/11, 62129/11, 62312/11 and 62338/11, Judgment of 24 October 2014, European Court of Human Rights.
- Budayeva and Others v. Russia* (2008) Nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Judgment of 20 March 2008, European Court of Human Rights.
- Careme v. France* (2024) No. 7189/21, Decision of 9 April 2024, European Court of Human Rights.
- Council of Europe (1950) *European Convention on Human Rights*. Rome: Council of Europe.
- Dejeant-Pons, M., Pallemmaerts, M. (2002) *Human Rights and the Environment*. Strasbourg: Council of Europe Publishing, pp. 19, 46.
- Di Caprio and Others v. Italy* (2019) Nos. 39742/14, 51567/14, 74208/14, 21215/15, Communicated Case of 5 February 2019, European Court of Human Rights.
- Duarte Agostinho and Others v. Portugal and 32 Other States* (2024) No. 39371/20, Decision of 9 April 2024, European Court of Human Rights.
- Dupuy, P.M., Viñuales, J. E. (2018) *International Environmental Law*. 2nd edn. Cambridge: Cambridge University Press, p. 370; <https://doi.org/10.1017/9781108399821>.
- Fadeyeva v. Russia* (2005) No. 55723/00, Judgment of 9 June 2005, European Court of Human Rights.
- Francioni, F. (2010) 'The Human Right to a Healthy Environment' in Fogel, C., Heyward, C. and Øverland, I. (eds.) *The Oxford Handbook of Human Rights and the Environment*. Oxford: Oxford University Press, p. 49.
- Greenpeace Nordic and Others v. Norway* (2021) No. 34068/21, Communicated Case of 15 June 2021, European Court of Human Rights.
- Kolyadenko and Others v. Russia* (2012) Nos. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05, Judgment of 9 July 2012, European Court of Human Rights.
- Kravchenko, S. (2004) 'The Aarhus Convention and Innovations in Compliance with Multilateral Environmental Agreements', *Colorado Journal of International Environmental Law and Policy*, 15(1), p. 491.
- L.C.B. v. the United Kingdom* (1998) No. 14/1997/798/1001, Judgment of 9 June 1998, European Court of Human Rights.
- López Ostra v. Spain* (1994) No. 16798/90, Judgment of 9 December 1994, European Court of Human Rights.
- Misuraca, G. (1994) 'The Right to Environment: The European Court of Human Rights and the Council of Europe', *Yearbook of European Environmental Law*, 4, p. 399.

- Murillo Saldias and Others v. Spain* (2006) No. 76973/01, Decision of 28 November 2006, European Court of Human Rights.
- Öneryıldız v. Turkey* (2004) No. 48939/99, Judgment of 30 November 2004, European Court of Human Rights.
- Özel and Others v. Turkey* (2016) Nos. 14350/05, 15245/05 and 16051/05, Judgment of 2 May 2016, European Court of Human Rights.
- Sands, P., Peel, J., Fabra, A., MacKenzie, R. (2012) *Principles of International Environmental Law*. 3rd edn. Cambridge: Cambridge University Press, p. 776; <https://doi.org/10.1017/CBO9781139019842>.
- Smaltini v. Italy* (2015) No. 43961/09, Decision of 16 April 2015, European Court of Human Rights.
- The Council of Europe (1993) *Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment*. Lugano: Council of Europe.
- The United Nations Economic Commission for Europe (1998) *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*. Aarhus: UNECE.
- United Nations (1945) *Charter of the United Nations*. San Francisco: United Nations.
- United Nations (1972) *Conference on the Human Environment*. Stockholm: United Nations.
- United Nations (1992) *Declaration of the United Nations Conference on Environment and Development*. Rio de Janeiro: United Nations.
- United Nations Conference on Environment and Development (1992) *Rio Declaration on Environment and Development*. Rio de Janeiro: UNCED.
- United Nations General Assembly (1968) *Problems of the human and environment*. Resolution A/RES/2398(XXIII). New York: United Nations.
- Vašák, K. (1977) *Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights*. Speech presented at the International Institute of Human Rights, Strasbourg.
- Verein Klimaseniorinnen Schweiz and Others v. Switzerland* (2024) No. 53600/20, Judgment of 9 April 2024, European Court of Human Rights.
- Viviani and Others v. Italy* (2015) No. 9713/13, Decision of 16 April 2015, European Court of Human Rights.