



ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ  
ПРИ ВІДДІЛЕННІ ООН ТА ІНШИХ  
МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У  
ЖЕНЕВІ

MISSION PERMANENTE DE L'UKRAINE  
AUPRES DE L'OFFICE DES NATIONS  
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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, referring to the Office's letter of April 11, 2019, has the honour to transmit herewith the information provided by the Ministry of Justice of Ukraine in connection with the preparation of the thematic reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosed: as stated, on 3 pages.

Office of the United Nations  
High Commissioner for Human Rights  
Geneva



Geneva, July 4, 2019

***Information provided by the Ministry of Justice of Ukraine in response to the Questionnaire of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment***

*Response to Question No. 1*

The norms that incorporate the human rights to a safe, clean healthy and sustainable environment are prescribed in the following legal acts: Constitution of Ukraine (Article 50); Civil Code of Ukraine (Article 293); Law of Ukraine On Environmental Protection; Law of Ukraine On Strategic Environmental Assessment, Law of Ukraine On Information (Article 13); Law of Ukraine On Access to Public Information; Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030; Law of Ukraine On Environmental Impact Assessment.

*Response to Question No. 2*

One of the guarantees of respect for environmental human rights is the openness of information about the state of the environment. In particular, part 2 of Article 50 of the Constitution of Ukraine provides that everyone is guaranteed the rights to free access to information on the state of the environment, the quality of food products and household items, as well as the rights to distribute this information. No one can classify such information as secret.

This provision is specified in the Constitution of Ukraine, in the Laws of Ukraine On Information and On Access to Public Information.

According to part 3 of Article 13 of the Law of Ukraine On Information, information on the state of the environment, except information about the location of military objects, cannot be attributed to restricted information. If the request for information relates to the information necessary to protect the life or freedom of a person regarding the state of the environment, the quality of food and household items, accidents, disasters, hazardous natural phenomena and other emergencies that have occurred or may occur and endanger the safety of citizens, in accordance with part 2 of Article 20 of the Law of Ukraine On Access to Public Information, the response must be submitted not later than 48 hours from the date of receipt of the request.

The Procedure for Participation of the Public in the Decision-Making that May Affect the Environment was approved by the Decree of the Cabinet of Ministers of Ukraine dated June 29, 2011 No. 771. According to paragraph 4 of this Procedure public discussion provides for:

- informing the public about the start of the consideration of the draft decision and the opportunity to participate in it;
- providing public access to the draft decision, the documents on the basis of which such a decision is made, and other necessary information;

- providing the public with the opportunity to submit proposals (comments) for consideration during the decision-making process (hereinafter – proposals (comments)), participating in public hearings and other forms of public discussion;
- considering the submitted proposals (comments);
- informing the public about the consideration or rejection of the submitted proposal (comments) with indication of the grounds;
- ensuring public awareness of the decision taken.

The main forms of public discussion are the preparation and submission of proposals (comments), public hearings.

The Law of Ukraine On Environmental Impact Assessment establishes legal and organizational principles for environmental impact assessment, aimed at preventing environmental damage, ensuring environmental safety, environmental protection, rational use and reproduction of natural resources, in the process of making decisions on the conduct of economic activities, which can have a significant impact on the environment, taking into account state, public and private interest.

In accordance with part 1 and part 9 of Article 7 of this Law, public discussion in the process of environmental impact assessment is carried out with the aim of identifying, collecting and taking into account comments and suggestions of the public to the planned activities.

The procedure for conducting public hearings in the process of environmental impact assessment is established by the Cabinet of Ministers of Ukraine (Decree of the Cabinet of Ministers of Ukraine of December 13, 2017, No. 989). It determines the mechanism for conducting public hearings in the process of public discussion of the planned activity, which is subject to assessment of environmental impact.

#### *Response to Question No. 6*

The rights of non-governmental environmental organizations are determined in accordance with Article 21 of the Law of Ukraine On Environmental Protection, namely:

- a) to participate in the development of plans, programs related to the protection of the environment, to develop and promote their environmental programs;
- b) to establish public funds for nature conservation; with the consent of local councils at their own expense and voluntary labor participation of members of non-governmental organizations to carry out work on protection and reproduction of natural resources, preservation and improvement of the state of the environment;
- c) to participate, together with a central executive authority that implements state police on state supervision (control), in the field of environmental protection, rational use, reproduction and protection of natural resources;
- d) to have free access to environmental information;

- e) to initiate an all-Ukrainian and local referendum on issues related to environmental protection, use of nature resources and provision of environmental safety;
  - f) to make proposals to the relevant bodies on the organization of territories and objects of the nature reserve fund;
  - g) to file lawsuits for compensation for damage caused as a result of violation of the legislation on environmental protection, including the health of citizens and property of public organizations;
  - h) to participate in events of international non-governmental organizations on environmental issues;
  - i) to participate in drafting regulatory acts on environmental issues;
  - j) to challenge, in accordance with the law, the decision on refusal or untimely provision of environmental information upon request or the unjustified rejection of the request and its incomplete satisfaction.
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