

## PRESERVING THE RIGHT TO A HEALTHY ENVIRONMENT IN THE ECHR JURISPRUDENCE

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**ABSTRACT:** *Both at global and European level the necessity to recognize a new fundamental human right, that is the right to a healthy and balanced environment, has only gradually developed.*

*The main concern consists of the question: to what extent can individuals invoke this new subjective rights to a healthy environment, alongside the state's correlative obligation in front of a international judicial body.*

*The right to a healthy environment was recognized in the European case-law by „rebound”, namely through an extensive interpretation of the applicability domain of certain rights, expressly provided for in the provisions of the Convention. Although there are no provisions in the Convention or its additional protocols that expressly refer to the right to a healthy and ecologically balanced environment, the European Court of Human Rights has recognized in its case-law and that of the European Commission, that certain types of deteriorations of the environment with serious consequences for the individuals or even the failure of the public authorities to provide information regarding the ecological risks that individuals are exposed to can constitute breaches of certain rights protected through the provisions of the Convention, such as right to life (article 2 of the Convention), right to private and family life (article 8 (1) <sup>1</sup> of the Convention) or right to property (article 1 of the Additional Protocol 1 to the Convention).*

**KEYWORDS:** *right to a healthy environment, ECHR case-law, right to private and family life, state responsibility, positive obligation*

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