European Journal of Sustainable Development (2026), **15**, 4, 137-150 ISSN: 2239-5938
Doi: 10.14207/ejsd.2026.v15n4p137

Environmental Human Rights in the Case Law of the Inter-American Court of Human Rights

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ABSTRACT:
This study evaluates the jurisprudence of the Inter-American Court of Human Rights (IACtHR) and its expanding role in securing environmental human rights. This research examines the jurisprudential expansion of traditional human rights by the IACtHR, demonstrating how the rights to life, health, and cultural identity have been systematically reinterpreted from an environmental perspective. Based on this approach, every individual has the right to apply to the ICJ to protect their environmental human rights. This study examines how courts interpret the state's obligations to protect environmental human rights, as well as the unique legal characteristics of environmental protection in Latin American jurisdictions. Furthermore, it provides a detailed analysis of case law concerning the state's obligations to mitigate the effects of climate change. Central to this analysis is the advisory opinion of the Inter-American Court of Human Rights on the climate emergency and human rights, which represents a significant normative breakthrough in international law in the field of climate change.

Keywords: international environmental law, climate, environment, environmental human rights, international climate change law

1. Introduction

The safeguarding of environmental human rights represents one of the most rapidly evolving domains within international environmental law. From a methodological standpoint, this study employs a qualitative doctrinal analysis of selected advisory opinions and judgments rendered by the IACtHR. Relevant case law was identified through a systematic review of the Court's jurisprudence database and pertinent academic literature, focusing specifically on decisions addressing environmental preservation, climate change, and associated human rights dimensions. Through a subsequent comparative legal analysis, these selected sources are examined to identify the Court's established analytical models, key legal doctrines, and its broader jurisprudential trajectory.

With the growing recognition that environmental deterioration, biodiversity loss, and climate change pose existential threats to the ssatisfactions of fundamental human rights, international judicial and human rights bodies have increasingly prioritized environmental human rights. Within this institutional landscape, the Inter-American Court of Human Rights (IACtHR) has emerged as a preeminent global authority, pioneering the

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conceptualization of environmental human rights and the corresponding obligations of states. Consequently, its jurisprudence plays a pivotal role in shaping the interpretation of the right to a green environment and defining its position within the broader framework of international environmental law.

This study examines the IACtHR's advisory opinions and contentious cases to evaluate their systemic impact on international environmental and climate change law. The central argument is that the Court's progressive jurisprudence has catalysed environmental human rights protection both within the Inter-American framework and in broader international judicial practice. To substantiate this claim, the article traces citations of IACtHR jurisprudence by other judicial and quasi-judicial bodies and synthesizes relevant doctrinal commentary. Ultimately, the Court's landmark rulings not only advance debates on the status of the right to a healthy environment but also foster the emerging recognition ecological rights.

2. The right to a healthy environment in the IACtHR's jurisprudence

Advisory opinion OC-23/17 (2017) "Environment and human rights" is one of the most important decisions adopted by an international court and which significantly shaped the landscape of environmental human rights. Firstly, it was the first decision, which recognized right to a safe, clean, healthy and sustainable environment as an independent human right. Resolutions adopted within the UN framework that recognized this right were adopted later. The UN Human Rights Council initially by the Resolution 48/13 (2021) globally recognized the human environmental human rights.

Recognition of the right to a healthy environment as an autonomous human right is important, since in this case it becomes independent of other human rights and states have a duty of care its protection. Moreover, states must not only ensure the protection of this right, but also actively act to protect it. Additionally, the court recognized that states have an obligation to protect the environment beyond the borders of their state. That is, the state is responsible for pollution, for example, of rivers, the atmosphere, the oceans. States must prevent environmental damage, adopt the necessary legislation aimed at protecting the environment from the activities of private companies, to guarantee the realization of procedural environmental rights and conduct comprehensive environmental impact assessments.

Recognition of the right to a healthy environment is very crucial. It empowers individuals to seek protection from air pollution, toxic substances and environmental degradation, strengthens the accountability of states and companies which carry out activities which can harm the environment. It also creates a legal basis for better state policies in the sphere of environmental protection. Such recognition connects human rights with environmental protection.

The burgeoning recognition of the right to a clean, healthy, and sustainable environment has influenced broad scholarly debate regarding its legal significance and practical impact. A substantial body of written scholarly works supports the view that explicit recognition of this right strengthens environmental governance and enhances the protection of human rights. For example, I. Kovalchuk, T. Novak, (2023, 2025) acknowledge the need to reform state environmental policy with a view to harmonizing it

with human rights principles, Pau de Vilchez (2021) argues that constitutional and international recognition of the right contributes to more effective enforcement of national environmental law, while Y. Krasnova (2017, 2024) demonstrates that its formal recognition improves access to justice and helps address gaps in environmental regulation.

At the same time, not all scholars regard this development as transformative. For example, Kotzé (2023) acknowledges the normative importance of the environmental rights but argues that its recognition does not fundamentally change existing legal approaches, particularly in jurisdictions where similar guarantees of environmental protection are already present in domestic legislation. From this perspective, the added value of recognition of advisory opinions of the IACtHR lies less in creating new substantive rights than in reinforcing and coordinating existing legal standards.

These differing assessments are also reflected in the broader international literature beyond the Inter-American system. Scholars examining developments within the United Nations framework, the European human rights system, and comparative constitutional law generally agree that recognition of the right to a healthy environment has strengthened the normative foundation of environmental protection. However, they also emphasize that its practical effectiveness ultimately depends on judicial interpretation, domestic implementation, and the availability of effective enforcement mechanisms. In this respect, the jurisprudence of the IACtHR represents one of the most progressive examples of giving substantive legal content to this right. IACtHR's jurisdiction demonstrates how international courts can move beyond declaratory recognition of environmental human rights and develop concrete obligations of states concerning environmental protection and counteraction of climate change.

Many governments still treat the environment only as something useful for economic gain, not as something valuable in itself. That is why the recognition of the environmental rights will help to change the attitude of the state to this issue. The role of the state remains a key issue, particularly in the area of public procurement, since (O. Zaitsev et al. 2021) there is virtually no discussion of making the public procurement process more environmentally friendly. L. Willetts, L. Fleming, E. Morgera (2025) link biodiversity, public health, and human rights, arguing that the right to a healthy environment is essential for planetary health. K. Tang (2022) claims that it is still not clear what is the status of the right to a healthy environment. That is why it is important to answer this question.

The IACtHR's advisory opinion strongly supports the emergence of the environmental rights as customary international law. The Court's reasoning is influential because it interprets binding regional human rights treaties (ACHR, San Salvador Protocol) and it frames the right to a healthy environment as legally binding and vital for the survival of humankind. At the same time, it should be mentioned the necessity to answer to the question whether we can claim that the right to a healthy environment has customary nature. This matter remains a subject of ongoing scholarly debate. For instance, a number of states, including Australia, Canada, and China, express scepticism toward the formal recognition of the right to a healthy environment, contending that it constitutes a purely political rather than a legally binding issue (Astrid Puentes Riaño, 2025).

Nevertheless, it is contended that the advisory opinions of the Inter-American Court do not independently suffice to demonstrate that the right to a healthy environment

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has crystallized into customary international law. While these opinions offer compelling evidence of opinio juris, the formation of customary law concurrently necessitates uniform state practice, which at present remains fragmented10

Crucially, Advisory Opinion OC-23/17 (2017) places significant emphasis on the safeguarding of the environmental rights of indigenous peoples. In this landmark ruling, the Court reaffirmed that indigenous communities possess collective rights to their traditional lands, natural resources, meaningful consultation, and environmental protection.

Advisory Opinion OC-23/17 (2017) profoundly shaped the global discourse on environmental human rights, contributing significantly to the conceptualization of the right to a healthy environment as a fundamental human right. Furthermore, this landmark ruling reinforced the preventative obligations of states and afforded indigenous peoples a robust legal foundation for pursuing environmental and climate litigation. Critically, the Court affirmed that environmental degradation imperils not only the lives and health of indigenous populations but also their very cultural integrity. Consequently, a number of legal scholars characterize this decision as a progressive, vanguard standard in international jurisprudence.

The provisions of the Advisory opinion OC-23/17 (2017) are cited as one of the arguments in subsequent climate lawsuits. For example, the International Court of Justice of the United Nations referred to this Advisory opinion when issuing its Advisory opinion. Advisory opinion OC-23/17 (2017) relies on the protection of environmental human rights, which is a stronger legal basis for decision-making.

3. Regarding the obligation of countries to prevent climate change

Advisory Opinion OC-32/25 (2025) represents the second major international pronouncement on state obligations regarding climate change prevention, following the landmark European Court of Human Rights (ECtHR) judgment in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (2024). Comparative analysis reveals that the Inter-American Court of Human Rights (IACtHR) delineated state obligations in considerably greater detail than its European counterpart. Notably, the IACtHR explicitly recognized the right to a healthy climate as a novel conceptual development absents from the ECtHR's jurisprudence. The Inter-American Court articulated specific state duties to mitigate climate change, including the enactment of legislation restricting fossil fuel exploitation. Furthermore, the Court underscored obligations to safeguard climate activists and ensure access to justice for victims of climate change.

However, the most progressive dimension of this opinion lies in its formal recognition of the rights of nature. For the first time in international jurisprudence, nature was acknowledged as a subject of law rather than merely an object of environmental protection. By declaring that states must protect ecosystems as autonomous rights-holders, the IACtHR fundamentally reconfigures the paradigm of environmental protection within the Organization of American States (OAS) framework`s a progressive approach that mirrors contemporary legislative developments across Latin America

As argued by F. Alves (2023), while the human right to Nature serves as a vital manifestation of equity and justice, the persistent non-recognition of the rights of nature

itself, coupled with a disregard for ecological boundaries, poses a formidable barrier to achieving a substantive ecological transition.

Advisory opinion OC-32/25 (2025) broadly interprets the obligations of states to mitigate climate change, thereby expanding public expectations of states' actions in this area. The recognition of the right to a healthy climate is important because it means that insufficient action by states to mitigate climate change constitutes a violation of human rights. This in turn strengthens the possibilities for environmental protection through the protection of human rights.

Nevertheless, the practical implementation of these obligations presents significant legal and institutional challenges. Although advisory opinions are not directly enforceable in the same manner as judgments in contentious proceedings, they possess interpretative authority and are expected to influence the national legislation, judicial practice of national courts, and administrative policies of States Parties to the American Convention on Human Rights. The extent to which these standards are implemented will largely depend on domestic constitutional frameworks, the political willingness of governments to adopt ambitious climate policies, and the capacity of national courts to invoke international human rights jurisprudence in climate litigation.

Enforcement may also differ across states. Some Latin American States have already incorporated constitutional environmental rights and the rights of nature into their national legal systems making the implementation of the Advisory Opinion comparatively straightforward. For example, Ecuador has expressly recognized the rights of nature in its Constitution (2008).

Colombia has developed similar protection mechanisms through the jurisprudence of its Constitutional Court (Judgment T-622/16), which has recognized entities such as the Atrato River as rights-bearing subjects.

In contrast, states lacking such constitutional guarantees or facing institutional limitations may face difficulties in implementing the IACtHR's principles into binding legislative and administrative measures. Furthermore, obligations such as the gradual reduction of fossil fuel dependence require balancing environmental protection with economic development, energy security, and social considerations. All of these creates additional implementation challenges.

The Inter-American Court of Human Rights' (IACtHR) expansive interpretation of state obligations has already catalysed a quantifiable surge in climate change litigation. A prominent illustration is the petition submitted to the Inter-American Commission on Human Rights (IACHR) by American youths, drawing on the domestic precedent of Juliana v. United States, who asserted that the United States had failed to guarantee their procedural environmental rights. Lodged in July 2025 following the normative recognition of the human right to a healthy climate, the petition contends that decades of US energy policy have actively degraded the climate, thereby infringing upon citizens' rights to a healthy environment. Crucially, the petitioners turned to the regional framework after being denied judicial redress within domestic courts. They now seek a formal declaration that their rights to life and health have been violated, alongside their right to judicial protection, while demanding that state actions be aligned with the standards established in Advisory Opinion OC-32/25 (2025). Although the IACHR has yet to issue its decision, this initiative exemplifies the accelerating proliferation of climate-related claims. This trend

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is further substantiated by the International Court of Justice (ICJ), which mirrored the Inter-American jurisprudence by affirming that a state's failure to implement adequate climate mitigation measures constitutes a direct violation of human rights.

4. Protection of the rights of indigenous peoples

In the landmark judgment of *Lhaka Honhat v. Argentina*, the IACtHR formally recognized violations of the environmental rights of indigenous peoples. For the first time, the Court predicated its merits decision on Article 26 of the American Convention on Human Rights, ordering the restoration of access to water resources, forest rehabilitation, and the safeguarding of indigenous cultural rights. While the Court had previously underscored the interdependence between territorial rights and the preservation of cultural traditions, this ruling significantly extended state obligations to protect water resources, forests, and ecosystems even in the absence of demonstrable risks to human life and health. Consequently, this jurisprudence manifests a distinct trajectory toward recognizing nature as a subject of law; the Court explicitly acknowledged the necessity of protecting non-human organisms independently of anthropocentric interests, such as human health or economic rights (paras. 59, 62, 64). In articulating this position, the IACtHR drew heavily upon its prior jurisprudence, notably Advisory Opinion OC-23/17. Nevertheless, this decision exemplifies a profound conceptual evolution, expanding the right to a healthy environment from a purely anthropocentric framework toward the formal recognition of the rights of nature.

The Court found that Argentina had violated the rights of indigenous peoples by allowing deforestation, pollution of water and land resources, and generally failing to protect the environment. The decision strengthened the protection of indigenous peoples' rights by recognizing their right to a healthy environment. The rights of all categories of the population must be protected equally without discrimination. Simultaneously, safeguarding the cultural heritage of resource-dependent communities remains a critical imperative.

In the case of Yakye Axa v. Paraguay, environmental rights were recognized as a prerequisite for the protection of the right to life. Notably, the Inter-American Court of Human Rights (IACtHR) equated environmental degradation with a direct violation of the right to life. Consequently, this ruling is widely regarded as a landmark decision that significantly shaped the development of the environmental rights.

5. Impact on decisions in other regional human rights systems and in national constitutional courts

The practical significance of these judgments extends beyond the interpretation of the American Convention and can be observed in their influence on judicial practice of national courts. National courts in several Latin American States increasingly refer to the IACtHR's environmental jurisprudence when interpreting constitutional environmental rights, indigenous land rights, and States' obligations concerning natural resource management. In particular, the Constitutional Court of Colombia (Judgment T-622/16) has relied on Inter-American human rights principles in the context of safeguarding of

indigenous communities and environmentally significant ecosystems. The Constitutional Court of Ecuador (Case No. 1149-19-JP/20) has developed its jurisprudence on the rights of nature consistently with regional human rights standards. These examples demonstrate that the IACtHR's case law is an authoritative interpretative source for national courts, which influences the integration of international environmental human rights standards into national legal systems. Nevertheless, the implementation of these principles remains uneven across the region and depends on domestic constitutional legal frameworks, judicial willingness to apply international law, and the effectiveness of state measures adopted in response to judicial decisions Consequently, the enduring efficacy of the Court's jurisprudence hinges not only on the evolution of international legal standards but also on their enforcement by domestic courts and state authorities.

Within the European Union's human rights framework, a pivotal role is sustained by international environmental law and EU legal instruments designed to guarantee elevated environmental protection and redress for ecological damage. The contemporary paradigm of environmental legal protection explicitly accounts for the distinct nature of international legal liability arising from breaches of environmental standards. This liability encompasses state obligations to mitigate harm and ensure remediation in instances of environmental pollution, ecosystem degradation, the unsustainable exploitation of natural resources, and other infractions that jeopardize environmental security.

As noted by L. Mareček (2025), the UN Sub-Commission on Human Rights and the Environment delineates four core environmental human rights: the right to a healthy environment, alongside the rights of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters. These entitlements underscore the intrinsic nexus between state international responsibility, adherence to environmental standards, and the preservation of environmental human rights.

The European framework for environmental safety is underpinned by key domestic, international, and European Union legislative instruments. Notably, these include the Treaty on the Functioning of the European Union (TFEU) and the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

The legal framework governing environmental safety within the European Union is inherently systematic and operates in close alignment with the domestic legislation of Member States. Y. Krasnova (2017) emphasizes the need to harmonies national environmental legislation with EU law, as well as to strengthen the role of environmental safety as a component of the human right to a safe and healthy environment.

The key piece of legislation governing liability for environmental damage in the EU is Directive 2004/35/EC of the European Parliament and of the Council "On environmental liability with regard to the prevention and remedying of environmental damage". This document sets out the legal mechanisms for compensating for damage caused by activities that pose a serious threat to the environment or have caused direct damage to natural resources, water, soil and ecosystems. The Directive establishes an obligation to prevent damage and to compensate for damage caused without the need for legal proceedings. This Directive emphasizes that the prevention and remediation of damage must be carried out on the basis of the 'polluter pays' principle. In accordance

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with this principle, an operator carrying out activities that cause damage to the environment or pose a real threat of such damage bears financial liability. This encourages such operators to take preventive measures and adopt risk-minimisation practices, which in turn reduces the extent of the damage caused and the financial costs of remedying it.

The next document requiring attention is Directive 2024/1203/EC of the European Parliament and of the Council of 11 April 2024 'On the protection of the environment through criminal law and repealing Directives 2008/99/EC and 2009/123/EC', which sets out minimum standards for the definition of environmental criminal offences and the corresponding penalties. The aim of the Directive is to effectively protect the environment, prevent environmental crimes and ensure compliance with EU environmental legislation. In particular, Article 3(3) of the Directive provides that the criminal offences listed in that Article shall be considered serious if they result in: - the destruction of, or significant irreversible or long-term damage to, large-scale ecosystems or protected areas; - significant irreversible or long-term damage to air, soil or water quality. At the same time, Article 3(5) allows Member States to introduce additional criminal offences into national legislation to strengthen environmental protection, going beyond the minimum requirements of the Directive.

The legal mechanisms for liability for environmental damage under European Union law combine civil, administrative and criminal liability, based on the 'polluter pays' principle and preventive approaches. Directive 2004/35/EC establishes an obligation to prevent and remedy damage, whilst Directive 2024/1203/EU sets out minimum standards for criminal liability for environmental offences and allows Member States to introduce additional measures to strengthen environmental protection. This comprehensive approach ensures the effective protection of ecosystems and creates an opportunity to adapt similar mechanisms in Ukraine.

Although international law and European Union law establish comprehensive mechanisms for liability for environmental damage, their implementation in practice faces a number of challenges. Firstly, the complexity of assessing damage and establishing a causal nexus between the party's conduct and the harm caused often makes it difficult to hold those responsible to account. Such difficulties are particularly evident in cases of transboundary pollution and large-scale environmental disasters. Secondly, the shortcomings of national justice systems and differences in the legislative approaches of Member States complicate the application of international standards and Directives. For example, although Directive 2004/35/EC and Directive 2024/1203/EU establish obligations regarding prevention, compensation for damage and criminal liability, some states do not yet have fully-fledged mechanisms for monitoring and enforcing these provisions. Thirdly, the financial and technical complexity of environmental restoration often hinders the effective application of mechanisms for compensating for damage. The costs of ecosystem rehabilitation, soil remediation and water remediation can be extremely high, whilst international legal proceedings can be lengthy and resource-intensive.

Furthermore, political and geopolitical factors also influence the enforcement of international liability. In the event of armed conflicts or breaches of international law, the aggressor often evades liability, making it necessary to develop specialized mechanisms for holding parties accountable for environmental damage in times of war or crisis.

Finally, a key challenge is adapting international mechanisms to national circumstances, particularly for Ukraine, which is facing the environmental consequences of armed aggression and requires effective legal instruments for compensation and environmental restoration. This necessitates the incorporation of international legal principles and EU experience into the national legislative system, as well as the development of environmental justice institutions.

Thus, notwithstanding the presence of well-established international and European mechanisms for environmental liability, their effective implementation depends on the national legal framework, the resource capacity of states, political will and the ability to adapt international standards to specific conditions.

An analysis of international and European experience shows that Ukraine can effectively adapt its national legislation and law enforcement practices to contemporary challenges in the field of environmental safety. First and foremost, the application of the 'polluter pays' principle and the integration of the provisions of Directive 2004/35/EC will enable the creation of a system for the prevention and compensation of damage caused to enterprises and other economic operators engaged in activities posing a high environmental risk.

The implementation of Directive (EU) 2024/1203 on the protection of the environment through criminal law is poised to reinforce the efficacy of state regulatory oversight and ensure rigorous accountability for severe, widespread, or long-term infractions of environmental legislation. Furthermore, the operationalization of specialized criminal, civil liability, and environmental justice mechanisms will facilitate more expedient responses and remediation regarding ecological damage.

Furthermore, the use of international mechanisms to hold the aggressor accountable for environmental damage is a promising approach, particularly in the context of environmental restoration following armed aggression. The experience of the EU and other countries highlights the need to develop national procedures for assessing damage, establishing a causal link and identifying financial instruments to compensate for losses.

For the successful integration of international and European mechanisms in Ukraine, the following steps are important: bringing national legislation into line with EU Directives and international standards; training qualified personnel in the field of environmental law and law enforcement; developing institutions of environmental justice and specialized judicial procedures; and ensuring the necessary resources for the restoration of damaged ecosystems and the implementation of compensation methods.

While the international protection of environmental human rights is a core focus across multiple legal disciplines, understanding its practical mechanisms requires synthesized literature. On one hand, V. Ladychenko and L. Golovko (2017) along with V. Ladychenko et al. (2021) have thoroughly mapped out ECtHR protection dynamics through case law, examining them through the lens of implementing European environmental policy in Ukraine. On the other hand, Eliantonio, M., Richelle, J. (2024) are explore environmental access to justice, which constitutes a key tenet of the Aarhus Convention, binding upon both the EU and its Member States. Scientists are researching and analyzing broader policy and localized frameworks offer necessary context: L. Yakushenko (2012) detailed EU environmental policy and its structural instruments - though stopping short of case law analysis - while U. Antoniuk (2018) connected actual economic impacts to normatively guaranteed environmental rights. This article builds upon this multifaceted foundation.

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However, to advance beyond the scope of previous studies, it incorporates the most recent ECtHR jurisprudence, thereby delivering contemporary proposals and conclusions regarding international environmental rights protection.

Article 50 of the Constitution of Ukraine (1996 enshrines the right to a safe and healthy environment and provides for compensation in the event of rights violations. This constitutional clause safeguards environmental rights and mandates compensation for any violations and ensures access to information regarding environmental conditions, food safety, and quality. Concurrently, Article 16 establishes the state's duty to maintain ecological balance, safeguard environmental safety, mitigate the global aftermath of the Chornobyl disaster, and preserve the Ukrainian gene pool. While certain dimensions of environmental liability and judicial protection were recently addressed by V. Ladychenko et al. (2023), the judicial defense of environmental rights warrants a dedicated study, particularly through the lens of jurisprudence. A comparative analysis reveals that while most European directives and regulations are highly specific - establishing precise parameters, quality criteria for environmental components, and clear actor responsibilities - Ukrainian environmental law is characterized by a lack of enforceable mechanisms. It outlines general requirements, principles, and goals without specifying the mechanisms to achieve them. Quantitative and qualitative benchmarks are confined to state standards, most of which lack public availability. Furthermore, the domestic framework fails to implement an effective enforcement and control system, leaving compliance non-penalized. Consequently, Ukrainian legislation falls short of ensuring the prevention and remediation of environmental damage. To rectify these deficiencies, the adoption of laws such as the Law "On Prevention and Elimination of Environmental Damage" and the State Concept for the Implementation of Human Rights to Quality and Safe Drinking Water is imperative; however, statutory enactment alone will not suffice to fully integrate European environmental standards.

Effective implementation also demands the establishment of appropriate institutions and budgets capable of enforcing these laws and regulations. Furthermore, a robust monitoring and sanctioning system must be created to ensure comprehensive and proper compliance with legal requirements (Gulak, 2019). A comparative analysis of foreign constitutional frameworks highlights diverse approaches to environmental governance. For example, the Constitution of the French Republic (1958) empowers a specialized council to draft regulations, submit legislative proposals, and, under Article 70, advise both the government and parliament on mitigating or preventing environmental issues. Conversely, some supreme laws, such as the Constitution of Austria (1920), omit explicit mention of individual environmental rights entirely, delegating environmental law development to federal legislation. Despite this constitutional absence, Austria utilizes highly effective state-level regulatory tools, such as a deposit-refund system that applies surcharges to the retail prices of goods to manage disposal and waste.

On the international stage, the European Court of Human Rights (ECtHR) serves as a critical mechanism for safeguarding human rights by actively integrating judicial protection for environmental rights into its jurisprudence. Through its judgments, according to established ECtHR precedent, egregious pollution may constitute a violation of core human rights protected under the Convention, most notably the right to life and the right to respect for private and family life. Resorting to the ECtHR is often necessitated by

severe domestic barriers to environmental justice. At the state level, citizens frequently contend with prolonged procedural delays, prohibitive costs for expert testimonies and legal representation, a lack of free legal aid, and a pervasive lack of environmental law awareness among both the judiciary and the public. Consequently, the jurisprudence of ECtHR has progressively integrated environmental claims into the framework of the European Convention on Human Rights. This evolution is particularly evident in the application of key provisions, including the right to life (Article 2), the right to respect for private and family life (Article 8), and the protection of property (Article 1 of Protocol No. 1), alongside procedural safeguards such as the rights to a fair trial (Article 6), an effective remedy (Article 13), and freedom of expression (Article 10).

While the international legal framework governs rights pertaining to adequate living standards, health, and socio-economic development, its codification remains conspicuously open-ended and non-exhaustive. Within this context, environmental rights should not be conceptualized as autonomous or self-contained; rather, they serve as fundamental structural prerequisites for the realization of basic human needs. This highlights the profound synergy between human rights and public governance, wherein the actualization of human rights is contingent upon a secure, clean, and stable environment, and conversely, sustainable environmental governance relies on the rigorous protection of human rights. To operationalize this interdependence domestically, we advocate for the integration of international jurisprudence, specifically drawing upon the landmark rulings of the IACtHR and the ECtHR. Adapting these international judicial precedents facilitates the establishment of robust national legislative mechanisms, thereby fortifying the domestic protection of environmental rights.

6. Conclusions

The jurisprudence of the Inter-American Court of Human Rights (IACtHR) has significantly contributed to the normative recognition of the human right to a healthy environment. Notably, the Court has affirmed this right in two advisory opinions. In Advisory Opinion OC-23/17, the IACtHR recognized the right to a healthy environment as an autonomous human right. Subsequently, in Advisory Opinion OC-32/25 (2025), the Court expanded this conceptualization to encompass the right to a healthy climate. In both instances, the Court characterized the right to a healthy environment as a fundamental prerequisite for the enjoyment of all other human rights.

The jurisprudence of the IACtHR has fundamentally altered global environmental law. By establishing the autonomous rights to both a healthy environment and a stable climate, and pioneering the legal recognition of the rights of nature, the Court has provided a powerful paradigm for international justice.

This judicial recognition is of paramount importance, as it enhances the enforceability of environmental rights within international tribunals, thereby facilitating environmental protection through the matrix of human rights litigation. Furthermore, the Court's affirmation of the right to a healthy climate, coupled with its broad interpretation of state obligations in this domain, is poised to catalyze climate litigation, thereby fostering global climate change mitigation.

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Additionally, the Court's emphasis on the protection of environmental defenders is highly significant, given the systemic hostility this group encounters. Other noteworthy developments include the protection of climate displaced persons (climate refugees) and indigenous populations, alongside the emerging recognition of the rights of nature. Collectively, these advancements underscore the IACtHR's progressive stance on ecological preservation and solidify its position as a leading authority in international environmental human rights law.

Beyond the Inter-American system, the IACtHR's jurisprudence contributes to the progressive development of international environmental law by strengthening the integration of environmental protection and human rights. The Court's recognition of the rights to a healthy environment and a healthy climate, alongside its endorsement of the rights of nature, establishes a pivotal legal foundation that is poised to shape the evolution of international law and the jurisprudence of other regional and international tribunals. The alignment of the IACtHR approach with recent advancements in international climate jurisprudence signals the consolidation of consensus-based legal standards regarding state obligations to mitigate climate change and prevent ecological degradation. Nevertheless, the ultimate efficacy of these standards remains contingent upon their domestic enforcement by national judiciaries, legislatures, and administrative authorities, as well as the genuine political will of states to integrate these international obligations into their municipal legal frameworks and public policies.

Furthermore, the insights gleaned from this study delineate several avenues for subsequent scholarly inquiry. Future comparative research should investigate the extent to which the legal doctrines formulated by the IACtHR permeate the jurisprudence of other regional human rights regimes and domestic constitutional courts. Such inquiries would facilitate a comprehensive assessment of human-rights-based approaches to environmental protection, thereby fostering the refinement of international legal standards in this dynamically evolving field.

Acknowledgment: The article was written as part of the project "EU Food and Environmental Law", grant agreement № 101238479 – ERASMUS-JMO-2025-CHAIR funded by European Education and Culture Executive Agency (EACEA).

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