

## RESEARCH ARTICLE

# Global perspectives of the formation of the environmental rights of children and youth to health and life

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### ABSTRACT

The article presents an analysis of the reform of the legal system which is an urgent problem, which is the study of environmental rights of children and young people in the system of constitutional rights and freedoms of the individual and the citizen. The analysis of the legislative and psychological aspects of young people's environmental rights, the impact of these rights on the realization of the interests of environmental law subjects. These are the principles of a clean environment, the interdependence of peace and a clean environment, the credibility of environmental information, the participation of young people in environmental management, access to every young person, the responsibility of states and governments for environmental disasters, the overall responsibility of protecting and preserving ecosystems, deepening and developing international environmental law, sustainable development of societies, combined with environmental protection. The purpose of the article is to investigate and substantiate the global perspectives of the establishment of environmental rights of children and youth to their own health. The assigned research tasks were implemented by means of the application of general scientific and special methods of cognition. The most significant role in the study was played by the method of comparative legal analysis, since its application allowed for the comparison of legal norms in different fields of law. The system-functional method was used to review the process of legal culture management, and the logical-semantic method contributed to the generalization and classification of epistemological units to make sound proposals for improving the legal regulation of the legal culture management process of youth. Targeted samples were used to recruit participants to maximize age, experience and demographic differences. Common invitation emails were systematically sent during February-April 2020 to registered Facebook members, which included the range: 10 - 13, 14 - 19, 20 - 24, 25 - 29, 30 - 34, 35 - 40, 41 - 50, 51 years and older. After receiving an email in the form of a motivational commentary to the questionnaire, along with the questionnaire, the participants completed the online form by choosing from three options: yes, no, partially. The consent to this short online survey was from adults 18 and older in the form of a positive attitude to participating in the survey, which was expressed in filling out the questionnaire, as well as positive comments about it, to which the words "Well done", "It important", "We wish you success", "Thank you", etc., as well as signs: +, +++, V and others. Surveys of children and young people under the age of 18 were conducted with the consent of their parents or their substitute. The study of the problem of environmental rights of young people covers the interests of every nation and every person in the modern world, because saving the life of posterity – children and young people – is one of the basic ideas of all living beings on our planet about justice in the self-realization

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of the meaning of one's own life. The field of environmental law is now in the process of development and formation, which is to define its own subject field, categories, principles and its own methodology. This process is aimed at enhancing the environmental rights of those generations who inherit the planet Earth and who by their later birth than predatory environmental use by previous generations have not been able to influence the prevention of environmental damage and maintain living conditions acceptable to living organism's life. In this way, the universally recognized right to life is embodied in the definition and justification of the special and special right of newborns to a safe and environmentally friendly life. An understanding of environmental law acquired at the present level requires consolidation in international and national law as a set of non-property human rights that determine its relationship with the environment and ensure its physical existence.

**Keywords:** environmental rights; environmental law; children; youth; actors; principles; concepts; self-realization; environmentally friendly life; physical existence

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## 1. Introduction

At the beginning of the public policy cycle, the participation and mobilisation element of SL is crucial for engaging different actors and maintaining their active participation throughout the entire process Nicolletti M., Maschietto F., Moreno T.<sup>[1]</sup>. The ecological environment is the space necessary for humanity to be exposed to society, as a synthesis of historical and natural processes. In our time of continuous reform of the legal system, the problem of the place of environmental rights of children and young people in the system of constitutional rights and freedoms of human and citizen in Ukraine is urgent. The concept of environmental rights was formed during the second half of the twentieth century. The impetus for this process was the exacerbation of the environmental crisis in Europe and America, increased competition for natural resources between countries, the activity of the global environmental movement, and finally, the Chernobyl disaster in Ukraine.

Increasing the natural impact of man on nature causes the possibility of catastrophic consequences for humanity and the environment, although the interests of each people and each person is determined primarily by the preservation of life of the offspring – children and young people, which belongs to the basic ideas of all beings about justice in the self-realization of the meaning of their own lives.

Social and natural tendencies require the equality of all people in the fulfilment of their socially and biologically meaningful meaning. For example, Swedish environmental activist Greta Thunberg summarized the environmental rights of children and young people at the UN summit: “Here is my message – we will follow you. It's all wrong, I don't have to be here, I have to be at school on the other side of the ocean. But you are turning to us, young people, for hope. How dare you? You stole my dreams and my childhood with your empty promises. However, I am one of the lucky ones. People are suffering, people are dying, our ecosystems are being destroyed. We are on the verge of mass extinction and all you can talk about is money and tales about the eternal growth of the economy. How dare you? ”<sup>[12]</sup>. In this regard, we express our view that one of the major problems in the environmental development of mankind is to give priority to the rights of children and young people for their own ecological future. Three main arguments form the basis of this idea:

- First, the current generation of adults is responsible for the environmental status of the world, which it leaves to the next generation of current children and young people;
- Secondly, based on the first argument, the future life of current children and young people in a less fulfilling world than the one used by previous generations of people, ie parents and grandparents, is unfair;
- Finally, the realization of the global idea of sustainable development, which is the platform of current United Nations activity, is possible only if every successive generation of the inhabitants of the planet Earth understands and feels the justice of their predecessors, who as far as possible conveyed their concern.

on the ecological development of a generation of current children and young people in a state as close as possible to the realization of their right to a full life.

Confirmation of our argument is the research topic of contemporary authors, which studies the really important problems as if ecological development occurs outside the development of the human race with its heredity and contradictions of generations of children, young people, their parents, grandparents and great grandfathers. For example, the importance of comparison Jason S.Link, Reg A. Watson, Fabio Pranovi and Simone Libralato<sup>[2]</sup> fishing in Africa's marine ecosystems is undeniable from the modern point of view, but it does not cover the possible rights to the ecological future of modern children and young people, which may be different from those recognized today.

From this point of view, the rights of children and young people are latently represented by Shaikh Shamim Hasan, Lin Zhen, Md. Giashuddin Miah, Tofayel Ahamed and Abdus Samie land use changes<sup>[11]</sup>, research by Rebecca Schütte, Elke Plaas, José Alfonso Gómez and Gema Guzmán on the profitability of erosion control with cover crops in European vineyards under consideration of environmental costs<sup>[25]</sup>, study Willem A.Landman, Neville Sweijd, Nyakallo Masedi and Noboru Minakawa the development and prudent application of climate-based forecasts of seasonal malaria in the Limpopo province in South Africa<sup>[14]</sup>, view Yunjie Wei and Lin Zhen the dynamics of livestock and its influencing factors on the Mongolian Plateau<sup>[27]</sup> and many others. But if the attention of the researchers Zengrang Xu, Ziqian Wei and Mingming Jin definitely deserve it causes of domestic livestock–wild herbivore conflicts in the alpine ecosystem of the Chang Tang Plateau<sup>[29]</sup>, then why have the rights of children and young people in their hitherto not fully recognized right to their own unique ecological development, different from their parents, leading to conflict of generations, not deserved equal attention?

The answer to this question involves studying the prospects of preventing both contemporaries' conflicts and conflicts between generations. The urgency of solving this task is a modern demand for responsibility for the future, which prompted us to conduct this study.

## **2. Aim**

The purpose of the article is to analyse the legislative and psychological aspects of young people's environmental rights, to investigate the impact of these rights on the realization of the interests of environmental law subjects, including young people, non-governmental public associations, Ukrainian governmental structures and organizations of the world community.

## **3. Research methods**

The generalization of research methods allows us to present them in relation to the solution of general scientific research tasks. The set tasks of the research were implemented by applying general scientific and special methods of cognition. The most significant role in the research was played by the method of comparative legal analysis, as its application allowed comparing legal norms in different branches of law. Comparison of the legal norms of international environmental documents, implemented in the laws of Ukraine, made it possible to reveal the vacuum of regulation and responsibility of subjects of legal authority, for the damage caused to the environment and thus to the health and development of future generations of children and youth. The system-functional method was used to consider the process of managing legal culture in the subsection “Children and the environment”, and the methods of its application in the data analysis of **Figure 1-3**. The logical-semantic method contributed to the generalization and classification of epistemological units for the introduction of well-founded proposals for improving the legal regulation of the process of managing the legal culture of youth. These include the key principles of ecological and sustainable development

presented in the study based on the provisions of international legal acts, reports and strategies adopted in recent years. These basic principles of environmental rights of youth are summarized by us in **Table 1**. The combination of methods of individualization, analogy, actualization, synchronization with comparative, cognitive-processual (interpretive), instrumental as a single and relatively new method in legal science, and therefore in social and humanities, as a method of definition legal form, a specific system of legal means, made it possible to consider the management of the legal culture of young workers as an actual research problem, which is presented in detail in the summarized **Table 2** “Model concept of environmental legislation for young people”. Thus, individualization is based on the subjectivity of each young person, the analogy covers the principles of environmental law at the international, national and local levels, actualization adds to the scientific circulation the risks of violations of environmental legislation and the principles of responsibility for its violations. Synchronization with comparative, cognitive-procedural (interpretive), instrumental as a single and relatively new method in legal science, implemented in the “Model of the Concept of Youth Environmental Law” developed by us, which defines the structure of the future “World Concept of Protection of the Rights of Children and Youth”, requiring justification in the future, the specifics of each of the fundamental rights we have listed.

Systematized questions proposed to the respondents were used as research tools, which constituted a conceptual thesaurus of promising environmental rights of children and youth developed by us. The empirical research procedure consisted of using purposive samples of participants that took into account age, experience and demographic differences.

#### **4. Literature review**

In the context of global change, the impacts and pressures attributed to human activities have become the main obstacles that restrict the sustainable development of ecological environments<sup>[10]</sup>. According to Article 50 of the Constitution of Ukraine, as for all citizens, the right of every child and young person to “be safe for the life and health of the environment and to be compensated for the violation of this right of harm is provided. Everyone is guaranteed the right of free access to information on the environment, the quality of food and household goods, as well as the right to disseminate such information that cannot be secreted by anyone”<sup>[12]</sup>. In addition, the environmental rights of Ukrainian citizens, covering the rights of young people, are reflected in Articles 13 and 14 of the Constitution of Ukraine, as well as in a number of other legal acts. In particular, Article 13 defines the combination of the right to use the property of the people to which the objects of the natural environment belong, with the personal responsibility for the use of property: “every citizen has the right to use the natural objects of the property of the people in accordance with the law. Property obliges. Property should not be used to the detriment of man and society”<sup>[12]</sup>.

Fundamental principles of environmental rights are outlined in strategic documents of universal importance (“soft international law”), in particular, such as the “Reporting Limits of Growth” of the Rome Club, the Stockholm Declaration of the United Nations Conference on the Environment, World Charter of Nature, Report of the UN Commission on Our Common Future, Rio de Janeiro Declaration on Environment and Development, Agenda for the 21st Century, GA Resolution UN on the need to ensure a healthy environment in the interests human well-being, the UN Millennium Declaration, the Johannesburg Declaration on Sustainable Development.

The legal basis for European environmental law is represented by Council of Europe recommendations: CM / Rec Recommendation 7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education; CM / Rec Recommendation 3 on access for young people from disadvantaged areas to social rights<sup>[22]</sup>; CM / Rec Recommendation 7 on young people's access to rights<sup>[23]</sup>. The fundamental

principles of environmental law contained in these documents have been decisive in shaping the environmental legal culture of children and young people on the European continent over the coming decades.

The report of the United Nations Commission on Our Common Future<sup>[13]</sup> substantiates the need for humanity to transition to the principles of sustainable development, which is defined as development that will meet the needs of today, without compromising the rights of future generations. The document concludes that humanity's survival and well-being depends on succeeding in bringing the principles of balanced development to the level of global ethics that focuses on humanity as part of a single natural whole. The first principle of the Rio de Janeiro Declaration<sup>[21]</sup> states that caring for a person is the main task for sustainable development. People have the right to live in good health and to work fruitfully in harmony with nature.

## **5. Survey results**

### **5.1. Participants**

This study was approved by the Human Research Ethics Committee of the International Academy of Culture of Safety, Ecology and Health. Inclusion criteria were: (1) age 10 and older, (2) living in Europe, (3) freely using a computer, (4) registered on the social networking site Facebook. The main partners of the conducted survey were the Department of Youth and Sports and the Department of Education and Science of the Kyiv City State Administration, which posted our survey on their official resources in social networks with the text of the following announcement: The All-Ukrainian survey on the environmental rights of children and youth has started. This is a survey of Ukrainian citizens from various regions regarding the environmental rights of children and youth. It aims to find out the opinion of citizens about the state of ensuring the environmental rights of children and youth in Ukraine.

Among the questions proposed to the respondents is the right to a safe environment for children and youth; the right to access environmental information; the right to a fair resolution of environmental requirements; the right to participate in environmental associations and movements; the right to acquire ecologically important knowledge.

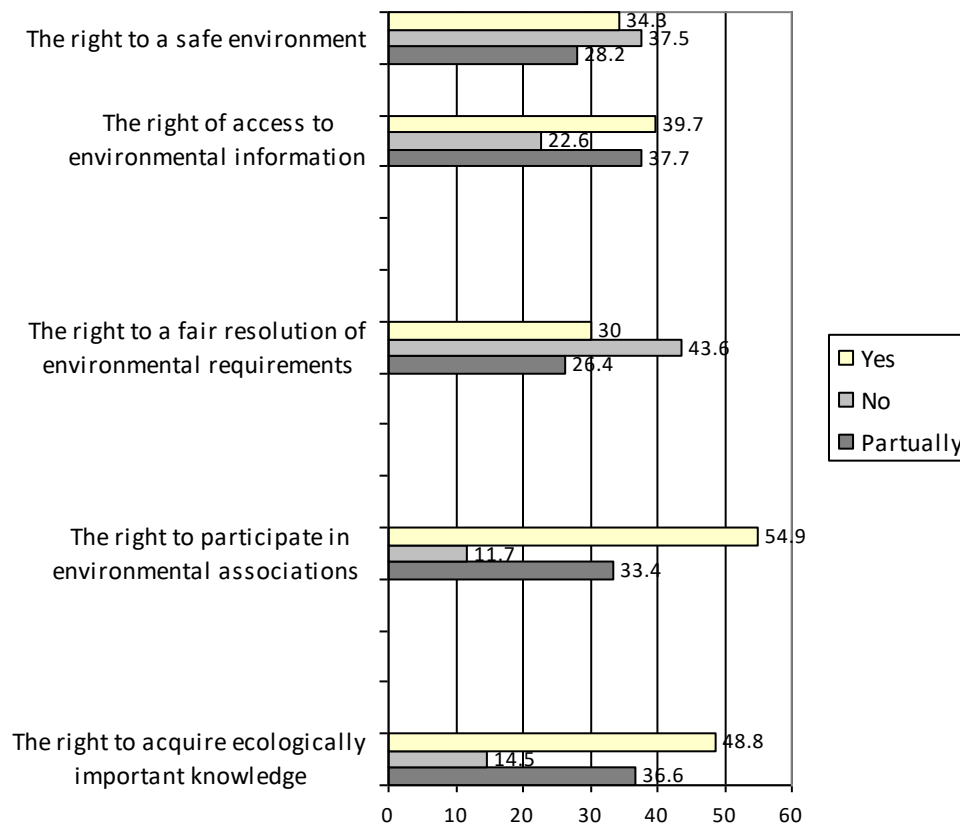
### **5.2. Procedure**

Targeted samples were used to recruit participants to maximize age, experience and demographic differences. Common invitation emails were systematically sent during February-April 2020 to registered Facebook members, which included the range: 10 - 13, 14 - 19, 20 - 24, 25 - 29, 30 - 34, 35 - 40, 41 - 50, 51 years and older. After receiving an email in the form of a motivational commentary to the questionnaire, along with the questionnaire, the participants completed the online form by choosing from three options: yes, no, partially. The consent to this short online survey was from adults 18 and older in the form of a positive attitude to participating in the survey, which was expressed in filling out the questionnaire, as well as positive comments about it, to which the words "Well done", "It important", "We wish you success", "Thank you", etc., as well as signs: +, +++, V and others. Surveys of children and young people under the age of 18 were conducted with the consent of their parents or their substitute.

### **5.3. Results**

The result of the poll "Environmental Rights of Children and Youth". The answers of the respondents residing in all regions of Ukraine became. A total of 647 people were interviewed in the age groups 10 - 13, 14 - 19, 20 - 24, 25 - 29, 30 - 34, 35 - 40, 41 - 50, 51 and over, who were represented in these groups relatively evenly. We received positive answers to the following questions: the right to a safe environment - 34.3%; the right of access to environmental information - 39.7%; the right to a fair settlement of environmental

requirements - 30.0%; the right to participate in environmental associations and movements - 54.9%; the right to acquire ecologically important knowledge - 48,8% (**Figure 1**).



Source: The poll was conducted by the authors of the article from February to April 2020.

Figure 1. Environmental rights of children and young people. %. 2020.

As can be seen from the data in **Figure 1**, respondents perceptions of all age groups on the rights of children and adolescents to a safe environment, access to environmental information, fair resolution of environmental requirements, and the acquisition of environmentally sound knowledge are ensured in less than half of the cases, except for the right to participate in environmental associations and movements, which is provided in more than half of the cases known to the respondents.

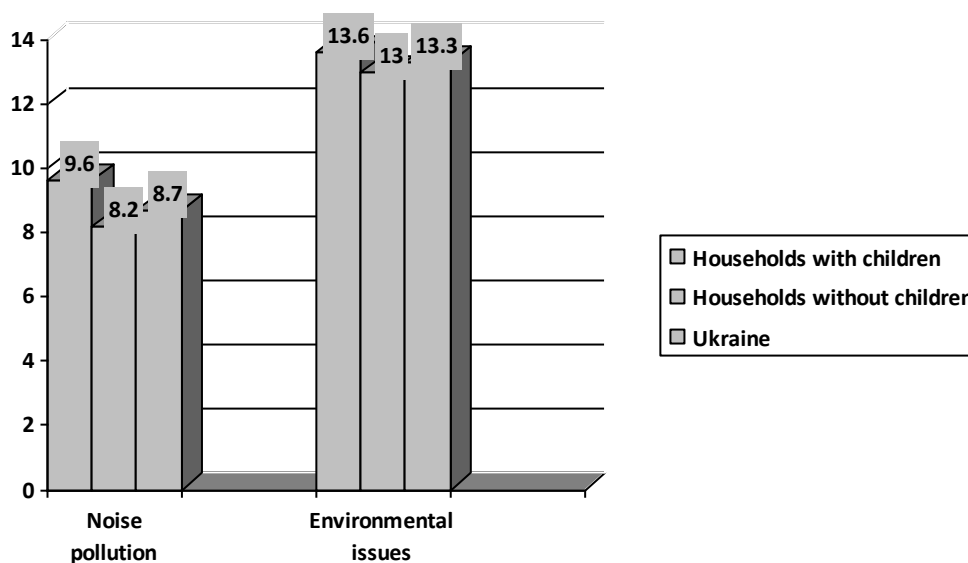
The value of the data obtained is that the summary estimate reflects the integral importance of ensuring the environmental rights of children and young people, with the participation of children and young people themselves, who, as a rule, are marked by greater attention to detail, immediacy and uncompromising judgment in their judgments.

This holistic approach is borne out by a fundamental theoretical proposition Sébastien Sauvé, Sophie Bernard and Pamela Sloan, 2016: “Our objective is not to try to differentiate the degree of meshing among the disciplines and to make judgements as to whether a specific issue should be referred to as inter, multi- or pluri-disciplinary”<sup>[24]</sup>.

The performance of a model of five different classes of management<sup>[1]</sup>, the five questionnaire content we have implemented, confirmed the credibility of this theoretical approach by the named authors.

The environment plays an important role in the lives of children, affecting well-being, health and performance. In general, children are more sensitive to environmental problems. Thus, the share of households

with children experiencing environmental pollution is higher than the share of households without children (Figure 2).



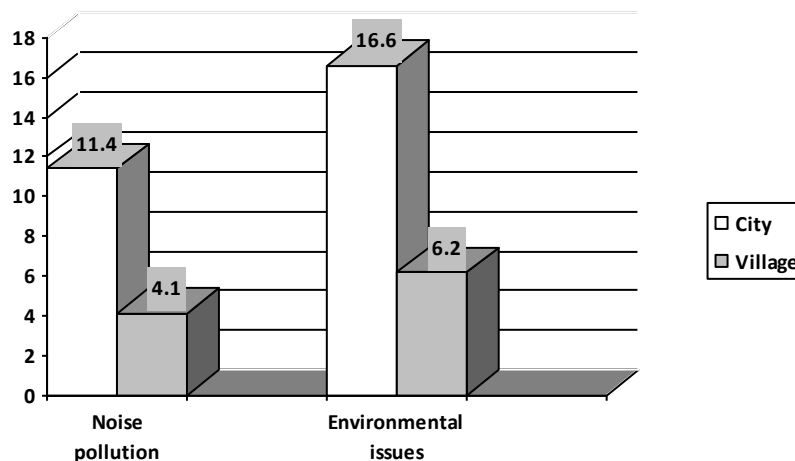
**Source:** Household self-assessment of the availability of individual goods and services (according to a sample survey of household living conditions).

**Figure 2.** Percentage of households experiencing the following problems: neighbor noise or street noise (traffic, business, factory, etc.), pollution, coal dust, or other environmental problems (smog, odors, polluted water, etc.), %, 2017.

With the support of the experts of the Prague Institute of Chemical Technology (VSCHT) in 2018, “Ecodynia” (Ukraine) together with “Arnika” (Czech Republic) conducted two unique studies on the effects of air pollution on public health and the environment in five industrial cities of Ukraine. The first study selected sand samples from playgrounds that showed large-scale contamination of heavy metals and petroleum hydrocarbons, exceeding internationally recommended standards several times, and in some sections of cities - 10 times (Mach V. Impact of pollution on the population and the environment in five industrial cities of Ukraine<sup>[16]</sup>).

Environmental issues are more noticeable if you look at statistics not for households with children, but specifically for children in urban and rural areas. In cities, with increasing numbers of cars and industrial emissions, children are experiencing greater environmental problems. Pollution, coal dust, or other environmental issues (smog, odors, polluted water, etc.) in 2017 were noted by 16.6% of urban children, 2.7 times higher than the value for the village.

Large cities are characterized by noise pollution. In 2017, 11.4% of urban children complained about noise from neighbors or from the street, which is 2.8 times higher than the rural figure (see Figure 3). Noise pollution leads to increased fatigue and morbidity, and reduced productivity. With the development of cities, increasing volumes and rates of construction, the development of the transport complex will generate new noise sources and the noise characteristics of existing noise sources will increase.



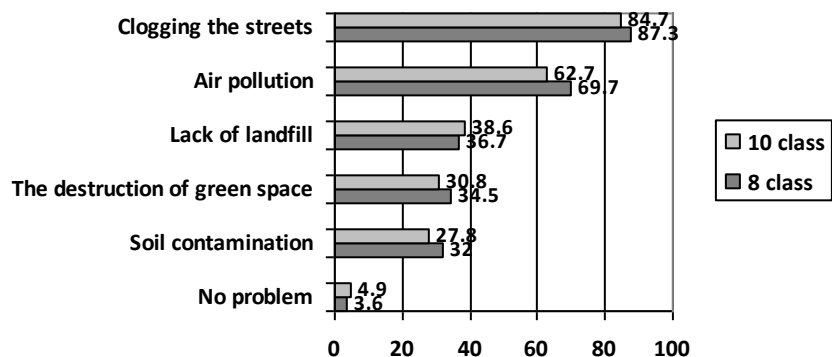
**Source:** Household self-assessment of the availability of individual goods and services (according to a sample survey of household living conditions). URL: <http://www.ukrstat.gov.ua/>

**Figure 3.** Percentage of children experiencing such problems as neighbor noise or street noise (traffic, business, factory, etc.), pollution, coal dust, or other environmental problems (smog, odors, polluted water, etc.),%, 2017.

A particular problem for children from poor urban backgrounds is the lack of opportunity to even spend time freely in the countryside, as multi-storey yards are usually crowded with cars of residents and their guests. As a result, there is high pollution and increased risk for children who play in the yard and car-sidewalks do not allow moms with children in wheelchairs to drive even in their own yard. Again, much better conditions are provided for families with children in modern, closed residential complexes where the yards are organized so that cars do not drive near playgrounds, but a small proportion of families with children live in them.

In rural areas, the air pollution situation is much better, but the problem of soil, groundwater and groundwater poisoning is exacerbated. Due to the continuous development of agriculture, fertilizers are increasing and the area of land is used that uses various plant protection products that enter the environment.

At the same time, even today, older children understand the importance of increasing environmental problems and notice their presence around them. Thus, the Kyiv City Educational Agency conducted a study “Environmental Literacy and Healthy Lifestyles of Student Youth”, which showed a high level of environmental awareness of children (see **Figure 4**)<sup>[26]</sup>.



**Source:** Analytical report on the results of the monitoring study “Environmental literacy and healthy lifestyles of student youth” conducted by the Kyiv City Educational Agency in 2017.

**Figure 4.** Distribution of students' answers to the question “What are the environmental problems in your area of residence?”, 2017, %.



The field of environmental law is now in the process of development and formation: defining its own subject field, categories, principles and its own methodology. This applies to the environmental rights of those generations who inherit the planet Earth and who, by their later birth than the predatory use of the environment by previous generations, have not been able to influence the prevention of environmental damage and preserve living conditions for living organisms. It is indisputable that, based on the generally recognized right to life, it is necessary to identify and justify the special and special right of newborn generations to a safe environment for their lives and health.

The current understanding of environmental law in the modern public consciousness is to consolidate in the international and national legislation the set of non-property human rights that define its relationship with the environment and ensure its physical existence.

In the late 1990s, more than 30 key environmental and sustainable development principles were elaborated in the international human rights community, based on the provisions of international legal acts, reports and strategies adopted in recent years. The main principles of young people's environmental rights are summarized in **Table 1**.

**Table 1.** Principles of environmental rights of young people.

No	Name	Content
1	The principle of a clean environment	The right of every young person, including future generations, to a clean and healthy environment
2	The principle of interdependence between peace and a clean environment	The interdependence of universal human rights and the right to peace, development and a clean environment
3	Principle of reliability of environmental information	The right to receive and disseminate environmental information
4	The principle of youth participation in environmental management	Public involvement in environmental and development decision-making processes
5	The principle of access of every young person to environmental management	The right of every young person to have effective access to legal and administrative procedures
6	Principle of responsibility of states and governments for environmental disasters	Responsibility of the state for compensation of victims of environmental disasters and restoration of damaged ecosystems. Differentiation of responsibility of states for degradation of global ecosystems
7	The principle of general responsibility	Humanity's overall responsibility for the environment
8	The principle of protection and conservation of ecosystems	Protection, conservation and restoration of natural ecosystems
9	Principle of deepening and development of international environmental law	The need for the development of international environmental law. Establishment of global institutions for the protection of young people's environmental rights
10	The principle of safe development	The principle of combining the development of society with the environment

As can be seen from **Table 1**, the main principles that require the inclusion of young people's environmental rights in the Declaration are the principles of a clean environment, the interdependence of peace and a clean environment, the credibility of environmental information, youth participation in environmental management, access to it by every young person, state responsibility and governments for environmental disasters, the overall responsibility for protecting and conserving ecosystems, deepening and developing international environmental law, safe development of societies that combined with environmental conservation.

The concept of environmental rights of young people, formed on the basis of these principles, thus outlines various aspects of environmental protection as a vital natural environment for the safe development of young people. Its isolation into a self-contained international document is a matter of time, since the state and development of the existing conceptual base in this field does not meet the challenges of the present and the demands of young people in most countries of the world. It also envisages going beyond the tradition that environmental rights are included in a group of socio-economic and cultural rights along with the right to education, health and work.

The field of environmental law needs to be separated into an independent industry, on the basis that their basis for realization in the interests of man and society is the preservation of another objectively existing system – the natural environment, with innumerable factors, objects and organisms. That is why the issue of an objective assessment of the environment is especially important in the area of environmental rights. Environmental law in general, as a system of legal norms and principles governing social relations on environmental issues, is in a state of dynamic development. It combines the diverse and at times contradictory features of public and private law.

Military operations, especially modern-day hostilities, aggressor states on all continents are destroying the planetary ecosystem so much that much of it is losing its natural recovery. Likewise, authoritarian regimes and corrupt officials are depriving young people of the right to a future eco-friendly life, creating the risk of reducing its life expectancy, incomplete functioning and enduring suffering that cannot be eliminated. Therefore, in our view, the moral responsibility of the world scientific community is to unite around the idea of ensuring the principles of environmental rights of young people and to justify their requirements in the normative documents of further joint actions. To implement this idea, we have proposed the Young People's Environmental Law Concept Model, which is presented in **Table 2**.

**Table 2.** Model concept of young people's environmental law.

<b>Structural components</b>	<b>The levels of embodiment</b>	<b>Conceptual principles of environmental law</b>
Subjects of environmental law	International, national	1. Young people.
		2. Youth public associations.
		3. States and Governments.
		4. International institutions.
		5. Authorized for protection environmental rights of young people.
Principles of environmental law	International, national, local	1. The principle of a clean environment.
		2. The principle of interdependence of peace and clean environment.
		3. The principle of reliability environmental information.
		4. The principle of youth participation in environmental management.

		5. The principle of access for everyone young man to environmental management.
		6. The principle of general and personal responsibility.
		7. The principle of protection and preservation ecosystems.
		8. The principle of deepening and development of international environmental law.
		9. The principle of safe development.
The risks of violations of environmental law have been identified	National	1. War. 2. Responsible activity aggressor countries. 3. Corporate economic interests. 4. Authoritarian regimes. 5. Corruption systems and governments. 6. Formal information state policy on issues ecology.
Principles of liability for violation of environmental law	International	1. The principle of varying degrees in accountability for violations of environmental law by states, governments, corporations and young people. 2. The principle of limiting economic public interest interests. 3. The principle of varying degrees of responsibility of economically developed and poor countries. 4. The principle of perfect moral-ethical guidelines of society and high ecological and legal culture young people.

**Table 2.** (continued)

As can be seen from the proposed Model of the Concept of Environmental Law for Young People, presented in **Table 2**, its conceptually significant markers are the subjects of environmental law, the principles of environmental law and liability for its violations, the risks of violations of environmental law. Performing the mission is to advocate for the promotion of mental health and development of children and adolescents through policy, practice and research President of the International Association for Child and Adolescent Psychiatry and Allied Professions' (IACAPAP) Dr. Daniel Fung said: “We should help our youths, recover, the lost sense of meaning and purpose of life, we should help our colleagues and friends, recover the lost opportunities to strengthen the relationships that give us a sense of belonging, and we should recover the lost moments to rest and sleep, and dream of a better future”<sup>[9]</sup>.

In view of this, we have developed a Model of the concept of environmental law of young people, which defines the structure of the future World Concept for the Environmental Rights of Children and Youth, needs to provide justification for the specifics of each of these fundamental rights:

- a). The right to a safe environment for children and young people.

The issue of securing the right to a safe environment for young people on the European continent is the most pressing given the events that are important for the safety of young people in Ukraine and on the planet.

One of the large-scale man-made disasters was the fire at the Grybovytsi landfill near the city of Lviv (Ukraine) in 2016, in which three fire-fighters were killed. After all, a critical situation in the field of waste management, similar to Lviv, exists in many cities of Ukraine. At the state level, for decades, no decisions have been taken to implement adequate measures in this direction.

Among the pressing issues, the environmental community sees problems related to administrative reform in the field of environmental protection and environmental protection, which require at least public discussion, in particular with regard to the capacity of local governments to exercise additional powers in this area. Given the impact of this problem on Europe's environmental security, addressing this and similar threats requires research, political, economic, legal and other forms of attention from the world community.

The problem was unreasonable deforestation and illegal export of forest from Ukraine. Despite the fact that the territory of Ukraine is deficient, the scale of logging is increasing rapidly. Over the last 20 years, they have doubled, and according to the State Statistics Committee of Ukraine in 2016 – reached a record high of 21.9 million cubic meters<sup>[6]</sup>. Deforestation in Ukraine threatens to further exacerbate the ecological situation of European content, especially against the background of global climate change.

The environmental community is also concerned about the problem of the long low water levels of most small rivers in Ukraine, unfounded plans for the development of hydropower, and many new problems and those that have long awaited attention and resolution.

The environmental impact of the Russian hostilities in eastern Ukraine are of particular concern to the public, including, inter alia, disturbance of ecosystems and nature conservation areas; destruction of industrial, environmentally hazardous objects; deterioration of sanitary and hygienic indicators of drinking water sources; air pollution; disturbance of the geological environment, etc.<sup>[8]</sup>.

b) The right of children and young people to access environmental information.

The legal framework for the exercise of the right of access to environmental information in Ukraine is presented by the resolution of the Verkhovna Rada of Ukraine “On Informing the Public on Environmental Issues” of November 4, 2004 and the instruction of the Cabinet of Ministers of Ukraine of November 17, 2004.

According to these documents, young people are guaranteed:

Firstly, annually through the media about one hundred objects that are the largest pollutants of the environment;

Second, quarterly awareness of the ten sites that are the largest environmental pollutants nationwide over the past quarter;

Thirdly, ensuring the functioning of a network of ecological automated information-analytical system to ensure access to environmental information.

The exercise of the right of access of children and young people to environmental information in the regulatory framework of Ukraine is presented in **Table 3**.

**Table 3.** Exercising the right of access to environmental information for children and young people.

No	Content of environmental information	Number of objects	Terms	Method of informing
1.	The biggest environmental pollutants	100	Every year	Through the media
2.	The biggest environmental pollutants	10	Quarterly	On official government websites
3.	Generalized environmental information covering the whole country	The quantity is determined by the ecological significance of the objects	Systematically	Government information and analytical system

As can be seen from the **Table 3** content and methods of law enforcement the access of children and young people to environmental information, its extent is to a certain extent determined by the requests of young people and those children's and youth public associations, research institutions and authorities that summarize and present relevant environmental interests of young people to the national government for making the necessary decisions. However, the implementation of these tasks remains too complex to be considered effective enough. Obtaining environmental information to young people, as well as creating it, are two mutually determined independent processes that emerge and take place for the sake of each other. However, the stages of this process, due to the unpredictability of the environmental situation, are incompatible with the usual steadiness of functioning of the network of ecological information-analytical system, and especially of local ecological automated information-analytical systems. This results in a mismatch of the current situation in real-time information displayed in these systems, delayed reporting of measurement results and expert assessments. Yes, Ukraine is a manufacturer and supplier to European countries of high-precision environmental measuring equipment. The role and place of Ukraine in the provision of high-precision environmental measurements is presented in **Table 4**.

**Table 4.** Equipment for high-precision environmental measurements in Europe.

No	The content of environmental measurements	Manufactured and supplied equipment (Product range (2020) <sup>[20]</sup> .		Countries that use equipment manufactured in Ukraine
		Names	Series	
1.	Sampling of air or gases for laboratory testing: <ul style="list-style-type: none"> <li>• Gaseous industrial emissions;</li> <li>• Air of working and sanitary protection zones of enterprises;</li> <li>• Atmospheric air.</li> </ul>	Portable 2, ASA series 4 and 6 channel aspirators with timers for each channel  Electro aspirators 1-channel ASA-1M series (100)  Series aspirators with integrated digital micrometers	ASA-2 M ASA-4 M ASA-6 M  ASA-1 M	Federal Republic of Germany, the Italian Republic, the Czech Republic, the United Kingdom, the Republic of Korea, the USA, Belgium
2.	Sampling of air or gases in conditions that do not allow the use of aspirators due to the increased requirements for explosive and fire hazard: <ul style="list-style-type: none"> <li>• Gaseous industrial emissions;</li> <li>• Air of working and sanitary protection zones of enterprises;</li> <li>• Air in the living area</li> </ul>	Pneumatic aspirators of UPP 2, 3, 4 channels	UE 22 U UE 52 U UE 55P	Federal Republic of Germany, the Italian Republic, the Czech Republic, the United Kingdom, the Republic of Korea, the USA, Belgium
3.	Sampling of wastewater to determine the content and concentration of polluting substances	Universal device for surface and sewage sampling from open sources, canals and collectors	PUPPV POV-10A	Federal Republic of Germany, the Italian Republic, the Czech Republic, the United Kingdom, the Republic of Korea, the USA, Belgium

4.	Measurement of volumes of air or other non-aggressive gases consumption in technological processes from 0,1 to 50 l / min.	Rotameters	P1 P5 P10 P20 P40 P50	Federal Republic of Germany, the Italian Republic, the Czech Republic, the United Kingdom, the Republic of Korea, the USA, Belgium
5.	Identification of psychophysiological changes in the conditions of children, adolescents and adults before and after stressful environmental events and accidents	Psychophysiological equipment complex "Khist"	Hist-1 Hist-2	Republic of Kazakhstan, Republic of Moldova, Estonian Republic, Lithuanian Republic

**Table 4.** (continued)

As can be seen from **Table 4**, the equipment for high-precision environmental measurements technologically requires a considerable amount of both the required environmental procedures and the generalization and analysis of the results obtained, especially related to the consequences of psychophysiological surveys of the victims of emergencies and accidents young. As can be seen from the list of importing countries of high-precision environmental equipment, it is used in Europe by the most developed countries in the socio-cultural and economic dimension of the European Union. This does not mean, however, that the number of countries offered by Ukraine with high-precision environmental instruments equals the number of countries whose geographical location and other natural features give rise to the comparison and exchange of the areas resulting from the use of the above mentioned environmental equipment of the European continent. In Ukraine, state structures at different levels and areas often overlook these important environmental issues in Europe. As a result, environmental information acquires declarative and manipulative features. Authorities are allegedly not involved in ensuring young people's right to access environmental information.

## 6. Discussion

The manifestations of formalism, the declarative nature, the deliberate complication of the structure of national reports on these issues, as well as the blatant misinformation in their texts violate the rights of young citizens and, at the same time, the rights of European youth to objective environmental information on the state of the environment and the effects of abuses by states and governments.

Publication of environmental reports by environmental authorities is considerable, often with a delay of one to two years. For example, information from the profile ministry on the state of the environment on our 2015 scientific inquiry was only available in 2017.

The most common way to obtain environmental information is to ask citizens for information. Monitoring the appeals of citizens and youth NGOs testify to the improper implementation of the legislative authorities by the authorities of Ukraine. There are examples of denials of information, lack of special units responsible for informing citizens. The practice of realization and the right to information shows that the information is not provided in full, without a copy of official documents, or with a violation of the deadline for satisfying the request.

A promising form of ensuring access of youth and youth NGOs to geoinformation is the quality work of websites of state authorities and local self-government. The main requirement for the protection of young people's environmental rights is the environmental information policy of the regional state administrations on

ecology and natural resources. The fundamental principles of this policy must be the credibility, timeliness, accessibility and participation of young people in its formation at national and local levels.

### **6.1. The right to access for children and young people to environmental justice**

Legal relations arising in the field of environmental protection and environmental rights of citizens are the responsibility of the courts of Ukraine. Citizens of Ukraine have the right to apply to court in case of violation of their rights, freedoms and interests. This is envisaged by Article 3 of the Code of Civil Procedure and Article 6 of the Code of Administrative Procedure of Ukraine. A separate category of environmental cases consists of cases related to the protection of the infringed right to information.

The most objective means of assessing access to justice is to investigate environmental court appeals. One of the judicial means of protecting the public's violated environmental law is to appeal against decisions and conclusions taken without its sufficient involvement. For example, in the process of conducting a state environmental review public participation is restricted due to the lack of clear procedures and the reluctance of public authorities to encourage such participation.

Another important category of jurisprudence is the claim to protect the constitutional right to a safe environment and to obtain compensation for the violation of such a right. Proof in such cases is complicated by the need for environmental litigation, which keeps young people and youth organizations from such lawsuits.

Article 21 of the Law of Ukraine "On Environmental Protection" gives public environmental associations the right to petition an economic court for damages caused as a result of violation of environmental legislation, including public health and property of public connections. However, court hearings that take place in the interests of the state or the territorial community are held without the participation of citizens and public organizations. They do not receive the status of a litigant, which significantly limits their procedural rights.

The current Civil Code of Ukraine establishes that the activity of a natural or legal person, which leads to the destruction, damage, pollution of the environment is illegal. The activity of a natural or legal person causing damage to leisure may be terminated by a court decision. Therefore, every citizen, regardless of whether it concerns him or her personally or not, if he has an interest in environmental protection, has the right to request the cessation of such activities in court.

Polls show that every second young person (53%) values the right to a fair trial. Given the young age of the respondents and, apparently, little experience in asserting their rights, this is a significant indicator of the awareness of Ukrainian youth about the right of access to court, the right to a lawyer and legal assistance. Only every tenth young person does not believe that there are ways to protect their rights in Ukraine. But this figure is twice and three times higher for the older age groups: respectively for persons up to 54 (26.5%) and after 54 (17.7%)<sup>[28]</sup>.

### **6.2. Restriction of environmental rights of children and youth**

The rights of any person cannot be absolute, since their unrestricted use conflicts with the rights of others and society. An important and complex aspect of human rights issues is the limitation of their legal capacity. In the Constitution of Ukraine, environmental interests, as a prerequisite for environmental security, are the basis for some restriction on other human rights, in particular economic and property rights.

The concept of environmental rights for young people are linked to the need to define their responsibilities and responsibilities. Duty arises and is implemented in society on the basis of ethical norms and is a means of ensuring the rights of others. The fundamental theoretical position of environmental human rights is the recognition of the equality of persons in the exercise of these rights, as well as the shared responsibility for

their violation. However, there is a significant difference between the ethics of environmental rights and the ethics of responsibility.

The ethics of responsibility are that responsibility is not equal but different. The environmental law entity that has more capacity, and more responsibility, in proportion to the opportunities it has realized, should, in our view, apply to all environmental law entities – people, legal entities, states and their governments. The international legal instruments enshrined the principle of different responsibilities of economically developed and poor countries. Environmental responsibility requires a person's ability to take into account public interests and natural constraints, to find and apply optimal ways for his or her environmentally significant activities.

The rationale behind the concept of environmental rights of young people is linked to the fundamental principles of environmental rights, social environmental ethics and environmental justice of all people, regardless of their age. One of the profound reasons for the ineffective application of the humanistic legal principles enshrined in international legal instruments is the fact that these principles have not become an element of the social ethics and justice of young people. With this in mind, the development of the Young People's Environmental Rights Concept is an opportunity to rethink the moral and ethical orientations as the primary source of environmental and legal culture for present and future generations for a secure Europe and the world.

### **6.3. Participation of every young person in the development of environmental rights**

Today, about 400 public environmental non-governmental organizations operate in the territory of modern Ukraine<sup>[8]</sup>, whose main objectives are the environmental education of the population. At the same time, each of these organizations implements its own individualized specifics.

In October 2023, the first All-Ukrainian Youth Environmental Forum was held, which brought together more than 500 participants and more than 20 speakers over the course of two days. This project became a kind of platform for sharing experience in the implementation of the best national and foreign eco-practices, the implementation of socially significant projects for participants from among active youth, representatives of public associations from all regions of Ukraine.

Thus, the public organization “Ukraine without garbage” is focused on collecting recyclables and sending them for recycling. Its young eco-activists systematically invite Ukrainian citizens to join the Zero Waste Campaign. Instead, the public organization let’s do it. Ukraine! Invites young people to get involved in garbage collection across the country, without challenging it for recycling because of the need to find natural ways to recycle.

The Youth Environmental Movement of Ukraine is shaped by taking on the young people of the modern challenge of defending their right to a safe and clean environment through cooperation with NGOs.

Increasing the role of the public in making real decisions at national level is essential. Thus, with the participation of the public, the Concept of the National Environmental Policy of Ukraine for the period up to 2020<sup>[18]</sup> was approved, and the recommendations of the parliamentary hearings on the topic “*30 years after Chernobyl: lessons and perspectives*” were adopted<sup>[19]</sup>, a public safety lobbying campaign and a number of other major environmental events.

## **7. Conclusion**

The study of the problem of environmental rights of young people covers the interests of every nation and every person in the modern world, because saving the life of posterity – children and young people – is one of the basic ideas of all living beings on our planet about justice in the self-realization of the meaning of one's



own life. Fundamental principles of environmental rights have already been outlined in the strategic documents of universal importance, which include documents of the European community and national legislative practices, which include the legal framework of Ukraine.

The field of environmental law is now in the process of development and formation, which is to define its own subject field, categories, principles and its own methodology. This process is aimed at enhancing the environmental rights of those generations who inherit the planet Earth and who by their later birth than predatory environmental use by previous generations have not been able to influence the prevention of environmental damage and maintain living conditions acceptable to living organism's life. In this way, the universally recognized right to life is embodied in the definition and justification of the special and special right of newborns to a safe and environmentally friendly life. An understanding of environmental law acquired at the present level requires consolidation in international and national law as a set of non-property human rights that determine its relationship with the environment and ensure its physical existence.

The main principles that need to be included in the World Declaration on Young People's Environmental Rights are the principles of a clean environment, the interdependence of peace and a clean environment, the credibility of environmental information, youth participation in environmental management, access to it by every young person, state and government responsibility for environmental disasters, overall responsibility for the protection and conservation of ecosystems, the deepening and development of international environmental law, the united security of societies and preserving the environment.

The concept of environmental rights of young people, formed on the basis of these principles, thus outlines various aspects of environmental protection as a vital natural environment for the safe development of young people. Its isolation into a self-contained international document is a matter of time, since the state and development of the existing conceptual base in this field does not meet the challenges of the present and the demands of young people in most countries of the world. It also envisages going beyond the tradition that environmental rights are included in a group of socio-economic and cultural rights along with the right to education, health and work. This approach will in the future lead to the separation of environmental law into an independent industry, the basis of which is for the benefit of man and society is the preservation of another objectively existing system – the natural environment with innumerable factors, objects and organisms.

Thus, the environmental rights of young people have already become important as a promising concept for the coming decades of the 21st century in the field of this not yet well-researched factor in the evolution of human rights perceptions. The lack of research on this factor is constantly reducing the realization of environmental rights of young people in most countries of the world, creating obstacles to the access of children and young people to environmentally relevant information, participation in decision-making and access to environmental justice.

Prospects for further research are the study of public dialogues of good environmental governance involving children and youth in most countries of the world, the consolidation of civil society around the substantiation of the concept of environmental rights of young people at the international national and local levels, the optimization of the system of environmental education of state institutions, human rights defenders on the Aarhus Convention<sup>[4]</sup> and the Luxembourg Declaration on Cooperation in the field of environment and climate change<sup>[5]</sup>.

## **Conflict of interest**

The authors declare no conflict of interest.

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