

**Kryvolapchuk Volodymyr,**Doctor of Juridical Sciences, Professor, Honored Lawyer of Ukraine,  
First Deputy Director of the  
State Research Institute MIA Ukraine, Kyiv, Ukraine,  
ORCID ID 0000-0001-9449-2242**Pluhatar Tetiana,**Candidate of Juridical Sciences, Senior Researcher, Scientific  
Secretary of the Secretariat of the Scientific Council of the  
State Research Institute MIA Ukraine, Kyiv, Ukraine,  
ORCID ID 0000-0003-2082-5790**Lelet Serhii,**Candidate of Juridical Sciences, Senior Researcher, Head of the Department,  
State Research Institute MIA Ukraine, Kyiv, Ukraine,  
ORCID ID 0000-0001-6099-4121**IMPLEMENTATION OF THE CITIZEN'S RIGHT OF ACCESS TO NATURAL  
ENVIRONMENTAL DATA DURING THE LEGAL REGIME  
OF MARTIAL LAW IN UKRAINE**

*The article discloses the details pertaining to the implementation of the citizenry's right to access information regarding the environmental conditions that prevailed during the period of martial law in Ukraine. This research reveals the core concepts underlying the notion of "information on the status of the natural environment", "ecological information", "information on the status of the environment", as well as their importance for the fulfillment of citizens' rights to information access. The article identifies and addresses the issues associated with limiting citizens' access to ecological information during martial law in Ukraine, and presents potential solutions to these challenges.*

**Keywords:** *citizens' rights, access to information, information on the state of the natural environment, information of the environment data, ecological information, legal regime of martial law.*

The implementation of the right to access on information environmental data is of significant importance in ensuring the fundamental human rights of individuals in peacetime, particularly the right to a safe environment for life and health. This right affords citizens the opportunity to receive, utilize, and disseminate information regarding environmental data, which is indispensable for ensuring environmental security and sustainable development. In the context of wartime, the importance of this right is amplified, as the timely dissemination of information regarding potential threats, including attacks, occupations, and similar incidents, can facilitate the prompt evacuation of affected populations, prevent the occurrence of humanitarian and environmental crises, and deter crimes against humanity,

genocide, and ecocide. Military activities have a considerable impact on the environment, including contamination of air, water, and soil, destruction of ecosystems and infrastructure. Consequently, it is the responsibility of the relevant authorities to disseminate information regarding these impacts to the general public, thereby enabling citizens to take the necessary precautions to protect their health and safety.

Finding a balance that allows for the maintenance of confidentiality while simultaneously providing the public with important information on environmental risks and threats is of great importance, particularly in the context of the legal regime of martial law in Ukraine.

As the conflict in Ukraine persists, the deterioration of the natural environment intensifies. It is not enough merely to overcome the negative consequences of this deterioration; a set of measures must be devised to ensure the effective environmental rights of citizens. The ongoing shelling and explosions have resulted in contamination of the air, water, and soil. Furthermore, these actions result in the destruction of flora and fauna, including forests, nature reserves, and territories. This, in turn, poses a significant risk to the overall ecosystem. The environmental toll of the ongoing hostilities has reached alarming proportions and warrants immediate attention. In addition to the human and infrastructure-related impacts, there have been severe environmental consequences. These include the flooding of mines and contamination of drinking water in the Donetsk and Luhansk regions, as well as the destruction of the Kakhovka Hydroelectric Power Plant, etc. Therefore, the public must be well informed and involved in environmental decision-making.

The issue of environmental protection in general, as well as ensuring access to ecological information in particular, has been and continues to be the subject of research by scientists such as: V. Andreitsev, U. Antoniuk, H. Baliuk, A. Bobkova, N. Brovko, A. Hetman, I. Karakash, N. Kobetska, V. Kostytskyi, M. Krasnova, N. Malysheva, M. Tereshchuk, YU. Shemshuchenko, M. Shulha, T. Kharytonova, and others. Among the foreign scholars dealing with these issues are the following: Klaus Dodds, who examines geopolitics, particularly the influence of military conflicts on the environment and environmental security; Carl Bruch, who addresses the legal dimensions of environmental protection in conflict zones and post-war rehabilitation; Michael Greenberg, who focuses on the intersection of health and the environment in emergency contexts, including military conflicts; Norman Myers, who is known for his research on the impact of military operations on biodiversity and ecosystems; Marcia McGill, who researches the issue of post-military environmental restoration, including demining and remediation of contaminated areas, etc. Concurrently, despite the existence of a substantial corpus of literature on this subject, there is currently no comprehensive research project that addresses the question of how citizens in Ukraine could have exercised their right of access to information regarding the natural environment data during the period of martial law. In light of the current circumstances in Ukraine, it is of paramount importance to ensure that environmental information is readily available in a timely manner. This is essential for the effective functioning of state and public institutions, as well as for maintaining environmental safety, which in turn affects the overall quality of life. The *objective* of this study is to analyse the legal aspects of the right of citizens to access information on the state of the natural environment under the conditions of the legal regime of martial law in Ukraine, with a view

to ensuring the safety, health and life of people; disclosing the main elements of the concepts of “information of the natural environmental data”, “ecological information”, “information on the state of the environment” and their implications for the realization of citizens’ right to access such information, emphasizing the nuances of accessing this information and the primary access restrictions and information security measures that apply under martial law; defining mechanisms for realizing the right of access to information on the state of the natural environment and ensuring a balance between security and transparency; highlighting the problems associated with limiting the right of citizens to access such information under martial law in Ukraine; developing and substantiating proposals for their solution.

The right to a safe environment is a fundamental natural human right. It is an intrinsic aspect of human nature and is reflected in the natural individual interests and needs of humans in an environment that is safe for their lives and health. Without such an environment, humans cannot exist as biological and social individuals. The naturalness of law (as its essence) implies a set of requirements based on the objective conditions of human life, formed by the natural course of things. Preservation of a quality environment for human beings is an absolute necessity of life, an objectively determined requirement of life. This right is defined by the key characteristics inherent in other natural rights, including its emergence from the moment of birth, its inalienability, its role in expressing the most significant possibilities of human development, and its direct character of realisation. The natural human right to a safe environment is founded upon the intrinsic biological and social nature of the individual, taking into account the evolving social and environmental conditions of society. This right develops objectively and is not contingent on state recognition. The right to a safe environment is an inalienable right, inextricably linked to the essence of the human being [1, p. 18].

Article 50 of the Constitution of Ukraine enshrines several rights with a similar underlying essence: - the right to a safe and healthy environment; - the right to compensation for damage caused by a violation of this right; - the right to free access to information regarding the state of the environment, the quality of food and household items, and the right to disseminate said information. It should be noted that the latter two rights are logically and objectively derived from the basic right in question and are the means of realising and protecting that right. It is evident that a citizen, in exercising their inherent right to a secure environment, is entitled to information regarding the quality of that environment. This information is necessary to enable the citizen to ascertain whether their right has been infringed. Furthermore, citizens have the right to claim compensation for any harm caused to their health by the negative impact of the natural environment. In other words, these rights represent different aspects, the most significant elements of a unified whole, which are interconnected by a common sphere of social relations. This indicates that the consolidation of these rights into a single article by the legislature is a logical and appropriate measure. The collective nature of these rights reflects a distinct set of social relations pertaining to the realisation and protection of the right of citizens to a secure environment.

According to the legal literature, information on the state of the environment is defined as data on the quality of air, water, soil and ecosystems. It also includes information on pollution, sources of pollution, biodiversity, radiation, and climate change. The data provided herein is

instrumental in evaluating the environmental situation, informing decision-making processes, and fostering effective communication with the public.

Article 25 of the Law of Ukraine “On Environmental Protection” states that “information on the state of the natural environment (environmental information) is any information in written, audiovisual, electronic or other material form regarding: the state of the natural environment or its objects – land, water, subsoil, atmospheric air, flora, fauna and the levels of their pollution affecting them; biological diversity and its components, including genetically modified organisms and their interaction with environmental objects; sources, factors, materials, substances, products, energy, and physical factors (noise, vibration, electromagnetic radiation, radiation) affecting or likely to affect the state of the environment and human health; threats and causes of environmental emergencies, results of the liquidation of these phenomena, recommendations on measures aimed at reducing their negative impact on natural objects and human health; environmental forecasts, plans and programmes, activities, including administrative, state environmental policy and legislation on environmental protection; expenses incurred in connection with the implementation of environmental protection measures at the expense of environmental protection funds, other sources of financing, and the economic analysis carried out in the process of decision-making on environmental issues” [4].

In definition of environmental information, YU. Shmelechenko states that this encompasses any information pertaining to the condition of the natural environment. This may be in written, audiovisual, electronic, or other material form and relates to events, phenomena, materials, facts, processes, and individuals involved in the utilisation, reproduction, and protection of natural resources, natural components, and landscapes, as well as environmental protection and environmental safety [2, p. 43].

The Constitution of Ukraine enshrines the right to information in several articles. In accordance with Article 34, every citizen has the right to “collect” information, that is, to request information on the state of the natural environment from the relevant state and local government bodies. Part 3 of this article delineates the limited number of grounds established by law on which these rights may be restricted. The aforementioned rights may be restricted “in the interests of national security, territorial integrity or public order, in order to prevent disorder or crime, for the public health, to protect the reputation or rights of others, to prevent the disclosure of information received in confidence, or to maintain the authority and impartiality of the judiciary” [3]. Therefore, public access to information on the state of the environment can be restricted only on the basis of the law and in accordance with the aforementioned criteria.

Based on the fact that Part 1 of Article 50 of the Constitution of Ukraine, which guarantees the right to a safe environment for life and health, and Part 2, which ensures the right to access information on environmental conditions, we believe that access to this type of information should be considered a crucial component in the realisation of the right to a safe environment. Furthermore, it serves as an essential guarantee in the protection of human rights with regard to environmental safety. Therefore, the right of access to information regarding the state of the environment cannot be subject to restrictions under martial law, and that relevant information cannot be kept secret.

Clause “e” of Part 1 of Article 9 of the Law of Ukraine “On Environmental Protection” states that “every citizen of Ukraine has the right to free access to information on the state of the environment (environmental information) and free receipt, use, dissemination and storage of such information, except for restrictions established by law”. Concurrently, Article 21 of this legislation stipulates that public environmental organisations are entitled to both free access to environmental information and to challenge decisions to deny or delay the provision of environmental information upon request or to contest the unlawful rejection of a request and its incomplete fulfilment in accordance with the established legal procedure [4].

In accordance with the Part 1 of Article 13 of the Law of Ukraine “On Information”, information on the state of the environment (environmental information) – “is information and/or data concerning: the state of environmental constituents and components, including genetically modified organisms, and the interaction between these constituents; factors affecting or likely to affect environmental constituents (substances, energy, noise and radiation, and activities or measures, including administrative, environmental agreements, policies, legislation, plans and programs); the state of health and safety of people, living conditions of people, condition of cultural objects and structures to the extent that they are affected or may be affected by the state of environmental components; other information and/or data” [5].

On 6 July 1999, Ukraine ratified the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention). In accordance with Article 2 of the Convention, the term “environmental information” is defined as any information in written, audiovisual, electronic, or any other material form concerning: a) the state of environmental components such as air and atmosphere, water, soil, land, landscape and natural features, biological diversity and its components, including genetically modified organisms, and the interactions among these components; б) factors such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programs, affecting or likely to affect the environmental constituents identified in subparagraph a) above and the cost-benefit analysis and other economic analyses and assumptions used in decision-making on environmental matters; c) the state of human health and safety, the conditions of human life, the state of cultural facilities and buildings, and the factors, activities, or events referred to in subparagraph б) above, to the extent that they are or may be affected by the state of the environmental constituents [6]. This Convention establishes the obligation of the state to foster public awareness of environmental issues, with a particular focus on facilitating access to information, enabling participation in the decision-making process, and ensuring access to justice with respect to matters pertaining to the environment.

Special attention should be paid to the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management” [7]. This Law defines the establishment and functioning of the state environmental monitoring system, the improvement of legal regulation of information on the state of the environment (environmental information) and the mechanisms for ensuring access to it, and the determination of the legal basis for information

support of environmental management. This Law shall come into force in six months from the day of cancellation or termination of martial law, introduced by the Decree of the President of Ukraine “On Introduction of Martial Law in Ukraine” dated February 24, 2022 No. 64/2022, approved by the Law of Ukraine “On Approval of the Decree of the President of Ukraine ‘On Introduction of Martial Law in Ukraine’” dated February 24, 2022 No. 2102-IX, except for Paragraph 2 of Section II Final Provisions, which shall come into force on the day following the day of publication of this Law.

However, despite a fairly significant set of legal acts regulating citizens’ right of access to environmental information, there have been instances of improper implementation of the legislation by some public authority and local self-government officials. Furthermore, the current legal framework governing these issues is insufficiently efficient. In particular, difficulties in accessing such information are caused by the misconduct actions of authorised persons, which manifests itself in failure to respond to an information request or leaving it unanswered. Sometimes the authorised persons justify refusals to satisfy requests by provisions of bylaws that have not been made public, departmental lists of confidential information owned by the state. It is worth noting that such lists are, in effect, regulatory legal acts, given that they are applied an indefinite number of times and apply to an indefinite number of persons. Furthermore, Article 57 of the Constitution of Ukraine enshrines the right to publicise regulatory acts, stipulating that “Laws and other regulatory legal acts defining the rights and obligations of citizens shall be brought to the attention of the population in the manner prescribed by law”. In the absence of adequate dissemination of information concerning the legal rights and obligations of citizens in accordance with the prescribed legal procedures, any legislative or regulatory acts that fail to fulfil this obligation are considered invalid [3]. Thus, justifying a refusal on the basis of lists that are unknown to the majority of the population is illegal. At the same time, authorized persons do not always provide sufficient information or delay in responding to inquirers. Article 4, Part 2 of the Aarhus Convention stipulates that environmental information must be provided as soon as possible, but no later than one month after the submission of the application. However, this period may be extended widely two months if the volume and complexity of the relevant information justifies such an extension. In some instances, requests for information pertaining to the condition of the natural environment have been denied on the grounds of the requestor’s non-residence within the territory under the jurisdiction of a specific council. This constitutes a direct contravention of the constitutional principle of equality, as enshrined in Article 24 of the Constitution of Ukraine, which guarantees the equality of constitutional rights for all citizens and prohibits discrimination on any grounds, including place of residence.

Since the enactment of the legal framework governing martial law in Ukraine, a considerable number of sites posing a significant environmental risk have been subjected to threats of destruction or damage. Nowadays, the criminal actions of the russian militaries have led to a number of humanitarian disasters in various parts of Ukraine, as well as serious threats of man-made emergencies, in particular:

- an ammonia leak, due to violations of the rules of conduct by the russian military, at the PJSC “Concern Stirol” plant in the temporarily occupied Horlivka on January 14, 2022;

- the incident, occurring on March 21, 2022, resulted from shelling conducted by the russian military against the chemical industry plant “Sumykhimprom”, resulting in a leakage of ammonia;

- a fire caused by shelling by the russian military at the Kremenchuk oil refinery on April 2, 2022;

- the leakage of mineral fertilizers, due to shelling by the russian military, into the river Ikva in the Ternopil region on April 4, 2022;

- the seizure and shelling of nuclear power facilities, specifically the Chornobyl and Zaporizhzhia NPPs, represents a significant breach of international norms and standards governing the use of nuclear energy.

This represents merely a fraction of the environmental crimes perpetrated by the armed forces of the russian federation. A further significant threat to the Ukrainian population is the disregard for fire safety regulations and the handling of hazardous substances [8].

It is important to note that prior to the introduction of martial law in Ukraine, the Ministry of Environmental Protection and Natural Resources of Ukraine had prepared and submitted an annual National Report on the State of the Environment in Ukraine to the Verkhovna Rada of Ukraine by December 20. The Report analyses and summarises information and analytical materials in the following sections: atmospheric air; climate change; water resources; conservation of biological and landscape diversity; development of protected areas; land resources and soils; subsoil; waste; environmental safety; industry and its impact on the environment; agriculture and its impact on the environment; energy and its impact on the environment; transport and its impact on the environment; sustainable consumption and production; public administration in the field of environmental protection. The latest such report for 2021 is available for consultation on the website of the aforementioned Ministry. In accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 61 of 7 February 1992, entitled “On Ensuring the Preparation of the National Report on the State of the Natural Environment in Ukraine”, in the event that the deadline for submission of the annual National Report on the State of the Natural Environment in Ukraine falls during a period of martial law, the Report is prepared for the entire period of non-submission and submitted within three months after the termination or lifting of martial law [9]. In the context of the ongoing challenges posed by martial law, it is nevertheless expected that information on the status of the natural environment in Ukraine will remain accessible. This is particularly in light of the stipulation enshrined in the Law of Ukraine “On Environmental Protection”, namely the obligation of state bodies to provide environmental information.

Pursuant to Article 21 of the Law of Ukraine “On Information”, it is prohibited to classify information with restricted access, in particular, information on the state of the environment, the quality of food and household items. Concurrently, Article 13 of the Ukrainian Law of Ukraine “On Information” establishes an exception to this enumeration, whereby information pertaining to the geographical position of military installations may be subject to limitations. At the same time, in accordance with the provisions of Article 64 of the Constitution, under martial law, additional restrictions may be imposed (an exhaustive list is set out in Article 8 of the Law of Ukraine “On the Legal Regime of Martial Law”) on certain constitutional rights

and freedoms, with the exception of those provided for in the Articles 24, 25, 27, 28, 29, 40, 47, 47, 51, 52, 52, 55, 56, 57, 57, 58, 59, 60, 61, 62 and 63 of the Constitution. In accordance with the Decree of the President of Ukraine “On Imposition of Martial Law in Ukraine” No. 64/2022 (approved by the Law of Ukraine “On Approval of the Decree of the President of Ukraine ‘On Imposition of Martial Law in Ukraine’” register No. 2102-IX of 24.02.2022) [11], as a result of the imposition of martial law in Ukraine, only the constitutional human and civil rights and freedoms provided for in the Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine may be restricted temporarily, for the period of the legal regime of martial law. However, these restrictions may not apply to information on regulatory acts implementing restrictions on constitutional rights and freedoms, as well as information on the state of the environment and food quality.

In addition, under martial law, managers must comply with applicable laws regarding the release of certain public information, in particular: promptly publish information about facts threatening people’s lives, health and/or property and the measures taken; to publicize reliable and objective information that is publicly necessary under martial law (e.g., information on humanitarian corridors, humanitarian aid disbursement and other relevant matters); to apply the “three-part test” for restricting access to information in order to establish the likelihood of significant harm to the interests of national security, territorial integrity or public order; to keep citizens informed about the introduction of temporary restrictions on access to certain categories of information on the official websites and social media pages of the manager during the period of martial law; it should be noted that the limitation of access pertains to the information itself, rather than to the document in its entirety. If limiting access to a person’s name (or other personal data) is sufficient to achieve the objective of protecting the relevant interest, the remainder of the information should remain accessible.

Attention should also be paid to the Unified Environmental Platform, the Regulation on which was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1065 dated 11.10.2021, which states that “The Unified Environmental Platform ‘EcoSystem’ is a nationwide environmental automated information and analytical system for providing access to environmental information and its network, which ensures the creation, collection, receipt, storage, use, dissemination, protection, protection of information, as well as electronic interaction between individuals and legal entities, individuals-entrepreneurs, administrative service providers, public (electronic public) service providers, administrative service centers for the purpose of obtaining administrative and other public (electronic public) services in the field of environmental protection” [10].

The EcoSystem’s tasks include: 1) ensuring that citizens can exercise their rights to free access to information on the state of the environment; 2) increasing the transparency of decision-making by public authorities and local governments and implementing an effective mechanism for preventing corruption and strengthening public control over the use of natural resources; 3) ensuring transparent, equal and quick access to services in the field of environmental protection; 4) creation, collection, receipt, storage, use, dissemination, protection, and defense of information on the state of the environment for the purpose of prompt response, forecasting, management decision-making, reporting and planning;

5) systematization and digitalization of information on the state of the environment; 6) other tasks defined by law [10].

It is also important to consider the issue of access to environmental information owned by private entities. The enactment of the Law of Ukraine “On Access to Public Information” has resulted in a legal obligation for both public authorities and economic entities in possession of relevant data to provide access to environmental information when such access is deemed necessary by the public. This law regulates the procedure of registration, submission and consideration of requests without regard to the status of the environmental information holder: whether it is a subject of authority or an economic entity. Thus, any manager is obliged to accept, register and consider within 5 business days a request for information on the state of the environment; on accidents, disasters, natural hazards and other emergencies that have occurred or may occur and threaten the health and safety of citizens; and other information of public interest.

In consideration of the aforementioned factors, it can be posited that the accessibility of information concerning environmental matters for the general public in Ukraine is being constrained under the prevailing martial law conditions. The extant legislative framework governing the process of furnishing and obtaining such data is riddled with deficiencies. It is therefore recommended that a separate law on environmental information be adopted in order to ensure transparency and accessibility of information on the state of the environment for citizens and to establish clear rules for the provision, receipt and dissemination of environmental information. This would help to eliminate the shortcomings of the current legislation and provide citizens with more effective access to information on the state of the environment, especially under the legal regime of martial law in Ukraine. This law should: define the procedure for submitting requests for environmental information by citizens and legal entities; define the system of bodies responsible for providing information, their functions and responsibilities for collecting, processing and disseminating environmental information; establish deadlines for public authorities to respond to requests; define mechanisms for extending deadlines in cases where information requires additional processing; establish conditions under which information may be restricted or classified (in particular, during martial law); define sanctions and mechanisms for holding bodies and officials accountable for violating citizens’ rights to access environmental information; establish procedures for appealing against refusals to provide information; to establish prescribing formats and standards for the publication of environmental information, thereby ensuring its availability and comprehensibility for the general public. The enactment of a distinct law pertaining to environmental information will facilitate the systematic and transparent administration of the process of furnishing environmental information, enhance the transparency of public authorities, and empower citizens with genuine access to information regarding the condition of the environment. Moreover, it will assist in the elevation of environmental awareness and the more efficacious safeguarding of the environment.

In order to enhance the accessibility of environmental information to the general public during the period of martial law in Ukraine, it is essential to implement the following measures: 1) implementation of an effective system of monitoring and reporting on environmental conditions is essential for ensuring the timely detection of any threats. This system should

be transparent, utilising various channels for communication, including government websites, social media, local media, hotlines and environmental information centres; 2) regular update of environmental data and publication of reports with detailed explanations is crucial for maintaining the system's effectiveness; 3) implement a system of rapid response to environmental incidents and emergencies arising from military operations, as well as mechanisms for notifying citizens of environmental threats via SMS, mobile applications, and other available means of communication; 4) engage non-governmental organizations and experts in the process of assessing environmental risks in times of war and developing measures to address them; 5) regular information campaigns should be conducted with the objective of raising public awareness of their rights to access environmental information and the importance of environmental protection.

The introduction of these measures will optimise the efficiency of public access to environmental information during martial law. Transparency, various communication channels and the involvement of non-governmental organizations and experts will make it possible to promptly respond to environmental threats, ensure effective monitoring of the state of the environment and the development of measures to protect it. This will help increase the level of public trust in government agencies and ensure environmental protection during the war.

#### REFERENCES

1. *Bredykhina, V.L.* (2005). Pravo hromadian na bezpechne navkolyshnie pryrodne seredovyshe. "The right of citizens to a safe natural environment": Doctor's thesis: specialty 12.00.06 "Land law; Agrarian law; Environmental law; Natural resource law". Kharkiv: National Law Academy of Ukraine. 190 p. [in Ukrainian].
2. *Ekolohichne pravo Ukrainy.* "Environmental law of Ukraine". Academic course: tutor. / gen. ed. Yu.S. Shemshuchenko. Kyiv: LLC "Yurydychna Dumka" Publishing House, 2005. 848 p. [in Ukrainian].
3. *Konstytutsia Ukrainy.* "Constitution of Ukraine" dated June 28, 1996 (as amended). Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (Date of Application: 25.03.2024) [in Ukrainian].
4. "Environmental protection": Law of Ukraine dated June 25, 1991 N 1264-XII (as amended). Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1264-12#Text> (Date of Application: 25.04.2024) [in Ukrainian].
5. *Pro informatsiiu.* "About information": Law of Ukraine dated October 2, 1992 N 2657-XII (as amended). Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (Date of Application: 25.04.2024) [in Ukrainian].
6. *Konventsiiia pro dostup do informatsii, uchast hromadskosti v protsesi pryiniattia rishen ta dostup do pravosuddia z pytan, shcho stosuutsia dovkilla (Orkhuska Konventsia).* "Convention on access to information, public participation in the decision-making process and access to justice in environmental matters (Aarhus Convention)". The Convention was ratified by the Law of Ukraine dated July 6, 1999 N 832-XIV). Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: [https://zakon.rada.gov.ua/laws/show/994\\_015#Text](https://zakon.rada.gov.ua/laws/show/994_015#Text) (Date of Application: 25.04.2024) [in Ukrainian].
7. *Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo derzhavnoi systemy monitorynhu dovkilla, informatsii pro stan dovkilla (ekolohichnoi informatsii) ta informatsiinoho zabezpechennia upravlinnia u sferi dovkilla.* "On making changes to some legislative acts of Ukraine regarding the state environmental monitoring system, information on the state of the environment

© Kryvolapchuk Volodymyr, Pluhatar Tetiana, Lelet Serhii, 2024

(ecological information) and information support for environmental management”: Law of Ukraine dated March 20, 2023 No. 2973-IX. URL: <https://zakon.rada.gov.ua/laws/show/2973-20#Text> (Date of Application: 25.04.2024) [in Ukrainian].

8. Osoblyvosti realizatsii prava na dostup do informatsii pro stan dovkillia, yakist kharchovykh produktiv ta predmetiv pobutu v umovakh voiennoho stanu. “Peculiarities of the implementation of the right to access information about the state of the environment, the quality of food products and household items in the conditions of martial law”. Ukrainian Parliament Commissioner for Human Right. URL: [ombudsman.gov.ua](http://ombudsman.gov.ua) (Date of Application: 25.04.2024) [in Ukrainian].

9. Pro zabezpechennia pidhotovky Natsionalnoi dopovidi pro stan navkolyshnoho pryrodnoho seredovyscha v Ukraini. “Ensuring the preparation of the National Report on the State of the Environment in Ukraine”: Resolution of the Cabinet of Ministers of Ukraine dated February 7, 1992 No. 61. Database “Legislation of Ukraine” / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/61-92-%D0%BF#Text>. (Date of Application: 25.04.2024) [in Ukrainian].

10. Pro Yedynu ekolohichnu platformu «EkoSystema». “The single ecological platform ‘EkoSystem’”: resolution of the Cabinet of Ministers of Ukraine dated October 11, 2021 No. 1065. Government portal. The only web portal of executive authorities of Ukraine. URL: <https://www.kmu.gov.ua/npas/pro-yedynu-ekologichnu-platformu-ekosistema-i111021-1065> (Date of Application: 25.04.2024) [in Ukrainian].

11. Pro vvedennia voiennoho stanu v Ukraini. “Introduction of martial law in Ukraine”: Decree of the President of Ukraine dated 24.02.2022 No. 64/2022 (with amendments). Database “Legislation of Ukraine” / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/64/2022#Text> (Date of Application: 25.04.2024) [in Ukrainian].

**Криволапчук Володимир Олексійович,**

доктор юридичних наук, професор, заслужений юрист України,  
перший заступник директора ДНДІ МВС України, м. Київ, Україна,  
ORCID ID 0000-0001-9449-2242

**Плугатар Тетяна Анатоліївна,**

кандидат юридичних наук, старший науковий співробітник, учений секретар  
секретаріату Вченої ради ДНДІ МВС України, м. Київ, Україна,  
ORCID ID 0000-0003-2082-5790

**Лелет Сергій Миколайович,**

кандидат юридичних наук, старший дослідник,  
начальник відділу ДНДІ МВС України, м. Київ, Україна,  
ORCID ID 0000-0001-6099-4121

## **РЕАЛІЗАЦІЇ ПРАВА ГРОМАДЯН НА ДОСТУП ДО ІНФОРМАЦІЇ ПРО СТАН НАВКОЛИШНЬОГО ПРИРОДНОГО СЕРЕДОВИЩА В ПЕРІОД ДІЇ ПРАВОВОГО РЕЖИМУ ВОЄННОГО СТАНУ В УКРАЇНІ**

У межах викладеного дослідження проведено аналіз правових аспектів механізму реалізації права на доступ до інформації про стан навколишнього природного середовища в Україні в умовах військової агресії. Стаття аналізує норми чинного законодавства України, визначаючи основні обмеження щодо доступу до інформації про стан навколишнього природного середовища в умовах воєнного стану та заходи інформаційної безпеки, які застосовуються у цих умовах.

Наголошено, що незважаючи на війну та її наслідки, доступ до інформації про стан навколишнього природного середовища має забезпечуватись, адже це є важливою гарантією реалізації та захисту права кожного на чисте й безпечне для життя та здоров'я довкілля. В умовах воєнного стану якісний і оперативний доступ до такої публічної інформації є необхідним для забезпечення належного функціонування державних і громадських інституцій, а також для захисту навколишнього природного середовища, від чого залежить нормальна життєдіяльність, безпека та здоров'я людей.

Зазначено, що беручи до уваги повномасштабне військове вторгнення, забезпечити доступ до екологічної інформації на всій території держави повною мірою неможливо. Військова агресія спричинила низку тимчасових обмежень та заходів інформаційної безпеки, які впливають на вільний доступ до інформації про стан навколишнього природного середовища. Але навіть в умовах війни українське екологічне законодавство продовжує розвиватись і вдосконалюватись, зокрема у сферах управління відходами, створення та функціонування національного реєстру викидів і перенесення забруднювачів, а також у системі державного моніторингу довкілля та інформаційного забезпечення управління у сфері довкілля. Ці зміни спрямовані на забезпечення доступу громадськості до повних, узгоджених і достовірних даних про викиди та перенесення

забруднювачів і відходів, що є важливим для захисту здоров'я та життя людей, особливо в умовах військової агресії.

Зроблено висновок, що прийняття окремого закону про екологічну інформацію та запровадження чітких правил її надання й підвищення прозорості доступу до неї дасть змогу громадянам ефективніше реагувати на екологічні загрози під час воєнного стану в Україні, що сприятиме збереженню довкілля та підвищенню екологічної свідомості населення.

**Ключові слова:** права громадян, доступ до інформації, інформація про стан навколишнього природного середовища, інформація про стан довкілля, екологічна інформація, правовий режим воєнного стану.

Отримано 30.05.2024