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<i>Case summary posted by the Task Force on Access to Justice</i>	
Ukraine: NGOs v. the Ministry of Education and Science, case №3/238 (2a-2767/08)	
<i>1. Key issue</i>	The Court of Appeal allowed an action brought by environmental NGOs against the Ministry of Education and Science for its failure to provide environmental education at various educational levels and found that the Ministry had failed to perform its obligation according to the Law of Ukraine “On Protection of Animals Against Cruel Treatment”.
<i>2. Country/Region</i>	Ukraine
<i>3. Court/body</i>	Kiyv Administrative Court of Appeal (Київський апеляційний адміністративний суд)
<i>4. Date of judgment /decision</i>	2010-06-30
<i>5. Internal reference</i>	№3/238 (2a-2767/08)
<i>6. Articles of the Aarhus Convention</i>	Art. 3, para. 3, and art. 9
<i>7. Key words</i>	Environmental education, protection of citizens’ environmental rights, prevention of cruelty to animals, appeal of failure to act by public authority, judicial review and access to justice.
<p><i>8. Case summary</i></p> <p>Several non-governmental organizations filed a claim in court against Ukraine’s Ministry of Education and Science regarding its alleged failure to meet its obligation to undertake certain actions.</p> <p>Pursuant to the Law of Ukraine on Protection of Animals Against Cruel Treatment, the Ministry of Education and Science must ensure there to be courses on environmental ethics and animal welfare taught at pre-school, primary, secondary, vocational and higher education institutions.</p> <p>There is no curriculum and textbooks on environmental ethics recommended by the Ministry of Education and Science for educational institutions.</p> <p>According to the Law of Ukraine on Environment Protection, every citizen of Ukraine has the right to environmental education.</p> <p>The court of first instance held that the Ministry of Education and Science of Ukraine had not taken all necessary measures for the proper discharge of its duties resulting in the violation of the rights of non-governmental organizations whose statutory goals include the protection of citizen’s environmental rights. The Court of Appeal upheld the ruling of the court of first instance.</p> <p>The court referred to the objective of the Aarhus Convention and to the obligations of the Parties given in art.3, para.3, to facilitate environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.</p>	

In accordance with art.6 of the Law of Ukraine “On Protection of Animals Against Cruel Treatment” the education of humane treatment to animals could be ensured by organization of the courses on environmental ethics and animal welfare taught at pre-school, primary, secondary, vocational and higher education institutions. Under such circumstances the judges pointed out the obligation of the Ministry of Education and Science to ensure the implementation of such provision.

The arguments of the Ministry of Education and Science of Ukraine that education on environmental ethics and animal welfare is ensured through the integration of such topics into the context of the majority of curriculums were regarded as groundless and violating current legislation.

Thus, the panel of judges agreed with the decision of the court of first instance stating that the Ministry of Education and Science of Ukraine failed to perform all the necessary actions to implement its obligations foreseen by the Law of Ukraine “On Protection of Animals Against Cruel Treatment” that in turn have led to the violation of the rights of the non-governmental organizations which statutory tasks consist in protection of environmental rights of citizens.

9. Link to judgement/ decision

<http://reyestr.court.gov.ua/Review/10312777>

http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/UKRAINE/Env_edu/Ukraine_2010_EnvEducation_judgement.pdf