

ZAVEDANJE O POMENU ZDRAVEGA ŽIVLJENJSKEGA OKOLJA – PRAKSA VARUHA ČLOVEKOVIH PRAVIC RS

Povzetek Kakšno je naše življenje? Želimo živeti v materialnem blagostanju, na drugi strani pa je naše življenjsko okolje čedalje bolj revno in onesnaženo. Se zavedamo, da je pravica do zdravega življenjskega okolja ustavno varovana kategorija? Ali vemo, kakšna je vsebina te pravice? Večja obveščenost o okoljevarstvenih projektih vsekakor omogoča večjo možnost sodelovanja pri odločanju. Naša država je leta 2004 na tem področju ratificirala mednarodno konvencijo, Aarhusko konvencijo. Cilji in vrednote, ki so zapisani v tej konvenciji, pomenijo vzvod za oblikovanje zavesti o vrednotah in participativni kulturi odločanja o posegih v okolje. Varuh človekovih pravic RS kot samostojen in neodvisen državni organ že nekaj časa glasno opozarja na premajhno vlogo javnosti (civilne družbe) v teh postopkih.

72. člen Ustave RS opredeljuje pravico do zdravega življenjskega okolja.

Vsakdo ima v skladu z zakonom pravico do zdravega življenjskega okolja.

Država skrbi za zdravo življenjsko okolje. V ta namen zakon določa pogoje in načine za opravljanje gospodarskih in drugih dejavnosti.

Zakon določa, ob katerih pogojih in v kakšnem obsegu je povzročitelj škode v življenjskem okolju dolžan poravnati škodo. Varstvo živali pred mučenjem ureja zakon.

Ta ustavno zajamčena pravica spada v tretjo generacijo človekovih pravic.¹ Pri tej pravici je izrazito poudarjen solidarnostni vidik. Brez solidarnostnega ravnanja in pristopa celotne družbene skupnosti

namreč ni mogoče zagotavljati uresničevanja varstva okolja. Ta pravica ni vezana na osebnost posameznika in ni namenjena varovanju osebnih koristi in interesov posameznika, čeprav ob tem ne

¹ V prvo generacijo človekovih pravic spadajo pravice, v katere država ne sme posegati (gre za negativen status človekovih pravic). Opredeljene so večinoma v drugem poglavju Ustave RS in so iztožljive na individualni ravni (primer nedotakljivost človekovega življenja, prepoved mučenja). V drugo generacijo človekovih pravic spadajo pravice, za katere uresničitev se mora država aktivno zavzemati (gre za pozitiven status). V to kategorijo spadajo ekonomske, socialne in kulturne pravice, opredeljene so v drugem in tretjem poglavju Ustave RS (gospodarska in socialna razmerja), uresničujejo pa se večinoma na kolektivni ravni. Tretja generacija človekovih pravic pa je nastala kot posledica zahtev po globalni porazdelitvi kapitala, bogastva in moči. Te pravice presegajo okvire državljanskih, ekonomskih in socialnih pravic ter imajo značilnost prve in druge generacije človekovih pravic, imenujemo jih tudi solidarnostne pravice (npr. pravica do zdravega življenjskega okolja državi prepoveduje čezmerne posege v okolje, na drugi strani pa državi nalaga sprejetje posebnih ukrepov za zaščito okolja).

moremo zanikati, da življenjsko okolje vedno v določeni meri vpliva na življenjski standard posameznika. Prav zaradi tega pravico do zdravega življenjskega okolja povezujemo s človekovo pravico do osebnega dostojanstva. Vplivi iz okolja, zlasti daljša izpostavljenost škodljivim vplivom kot so npr. onesnažen zrak, hrup, smrad in drugi dejavniki vplivanja, lahko namreč močno posegajo na osebno področje vsakega posameznika.

Po navedenem 72. členu Ustave RS ima država trojno dolžnost: z zakonom mora opredeliti vsebino in obseg pravice do zdravega življenjskega okolja, z zakonom mora določiti pogoje opravljanja gospodarskih in drugih dejavnosti, z zakonom mora določiti tudi pogoje in obseg poravnave škode, ki jo določena oseba povzroči življenjskemu okolju.

Ustava RS s to določbo daje državi nalogo, da odgovorno prevzame skrb za zdravo življenjsko okolje, da sprejema takšne ukrepe in predpise, s katerimi ohranja načelo naravnega ravnovesja. Pri tem ni zanemarljivo, da je Ustava RS v drugem odstavku 72. člena določila, da se gospodarska dejavnost lahko opravlja takrat, kadar so skladno z javno koristjo varovanja življenjskega okolja za to izpolnjeni zakonski pogoji. Številni predpisi določajo tovrstne omejitve, vse v cilju varovanja okolja in naravnega ravnovesja, zlasti zakoni o varstvu okolja,² o urejanju prostora, o prostorskem načrtovanju, o graditvi objektov, o ohranjanju narave, o kmetijskih zemljiščih, o gozdovih, o divjadi in lovstvu ter drugi.

Po drugem odstavku 3. člena Zakona o varstvu okolja je poseg v prostor *vsako človekovo ravnanje ali opustitev ravnanja, ki lahko vpliva na okolje tako, da škodi človekovemu zdravju, počutju ali kakovosti njegovega življenja ter preživetju, zdravju in počutju drugih organizmov. Poseg v okolje se nanaša zlasti na rabo naravnih dobrin, onesnaževanje delov okolja, gradnjo in uporabo objektov, proizvodne in druge dejavnosti ter dajanje izdelkov na trg in njihovo potrošnjo.*

Ali se ob vsem tem zavedamo, da gre pri pravici do zdravega življenjskega okolja za eno temeljnih človekovih pravic, ki ji ustava zagotavlja pravno varstvo? Ali imamo na razpolago dovolj informacij in znanja o poteh, ki so nam v zvezi z uresničevanjem te pravice na voljo? Na voljo imamo pravno varstvo skladno z Ustavo RS, Stvarnopravnim zakonikom, Obligacijskim zakonikom in Zakonom o varstvu okolja. Nekatera ravnanja (onesnaženje pitne vode, onesnaženje živil ali krme, uničenje gozdov itd.) pa so po Kazenskem zakoniku opredeljena kot kazniva dejanja. Določene oblike varstva so zagotovljene tudi s postopki pri neodvisnih državnih organih, kot so Varuh človekovih pravic RS, Informacijski pooblaščenec, Komisija za preprečevanje korupcije. Na voljo imamo tudi mednarodnopravno varstvo. Seveda pa moramo v tem okviru ločiti škodo, povzročeno okolju, od škode (premoženjske in nepremoženjske), ki je povzročena posamezniku in ki se presoja po splošnih načelih odškodninskega prava.

Ustavno varstvo pravice do zdravega življenjskega okolja je zagotovljeno z že omenjenim 72. členom Ustave RS, kjer gre za dolžnost povzročitelja, da skladno z zakonsko ureditvijo povrne škodo, povzročeno življenjskemu okolju. 11. člen Zakona o varstvu okolja pa ureja subsidiarno odgovornost

države za odpravo posledic čezmernega obremenjevanja okolja, kadar tega ni mogoče naprtiti povzročiteljem ali za to ni ustrezne pravne podlage.

Stvarnopravni zakonik v 75. členu, ki opredeljuje prepovedane izpuste (dim, neprijetni vonji, saje, tresljaji, ropot, odplake, moteče neonske reklame, razna sevanja, preprečevanje svetlobe,

² Zakon o varstvu okolja v 3. členu določa, da je okolje tisti del narave, kamor seže ali bi lahko segel vpliv človekovega delovanja. Isti člen v nadaljevanju naravo opredeljuje kot celoto materialnega sveta in sestav z naravnimi zakoni med seboj povezanih ali soodvisnih delov in procesov. Pri tem izrecno določa, da je človek del narave.

odtegotanje zraka, različna delovanja na zrak itd.), določa, da mora lastnik nepremičnine pri uporabi nepremičnine opuščati dejanja in odpravljati vzroke, ki izvirajo iz njegove nepremičnine in otežujejo uporabo drugih nepremičnin čez mero, ki je glede na naravo in namen nepremičnine ter glede na krajevne razmere običajna, ali povzročajo znatnejšo škodo (prepovedani izpusti). Brez posebnega pravnega naslova je prepovedano kakršno koli motenje s posebnimi napravami. Isti zakonik v 99. členu ureja področje neupravičenega vznemirjanja, in sicer če kdo tretji protipravno vznemirja lastnika ali domnevnega lastnika kako drugače, ne pa z odvzemom stvari, lahko lastnik oziroma domnevni lastnik s tožbo zahtevata, da vznemirjanje preneha in se prepove nadaljnje vznemirjenje. Če pa je bila z vznemirjenjem povzročena škoda, ima lastnik pravico zahtevati njeno povrnitev po splošnih pravilih o povrnitvi škode.

Obligacijski zakonik pa v 133. členu določa, da lahko vsakdo zahteva od drugega, da odstrani vir nevarnosti, od katerega grozi njemu ali nedoločnemu številu oseb večja škoda, ter da se vzdrži dejavnosti, iz katere izvira vznemirjanje ali škodna nevarnost, če nastanka vznemirjanja ali škode ni mogoče preprečiti z ustreznimi ukrepi.

Zakon o varstvu okolja pa v 14. členu določa, da lahko posamezniki, društva, združenja ali organizacije pred sodiščem zahtevajo, da nosilec posega v okolje ustavi ta poseg, če povzroča ali bi povzročal čezmerno obremenitev okolja ali če povzroča ali bi povzročal nevarnosti za življenje in zdravje ljudi, lahko se mu tudi prepove začetni izvajanje takega posega, če je podana velika nevarnost takšne posledice. V istem členu je posebej dodano določilo o pristojnosti Varuha človekovih pravic RS (Varuh) za varovanje pravice do zdravega življenjskega okolja.

Evropska konvencija o človekovih pravicah pravico do zdravega življenjskega okolja posebej ne opredeljuje. Zaščita te pravice bi kljub temu morda bila mogoča v okviru pravice do zasebnega in družinskega življenja ter v okviru pravice do zasebne lastnine.

Kot samostojna pravica mednarodnega prava pa je pravica do zdravega življenjskega okolja, opredeljena v 37. členu Listine Unije o temeljnih pravicah, in sicer se med solidarnostnimi pravicami varstvo okolja opredeljuje kot politiko Evropske unije, ki se zagotavlja skladno z načelom trajnostnega razvoja.

Slovenija je leta 2004 ratificirala **Aarhuško konvencijo**. To po 8. členu Ustave RS³ pomeni, da se določila te konvencije uporabljajo neposredno. Mednarodni akti, sploh Aarhuška konvencija, ki daje ljudem aktivno pravico pri sprejemanju in izvajanju okoljske politike, in nacionalni predpisi s tega področja pomenijo teoretično podlago doseganja trajnostnega razvoja družbe. Hkrati ti predpisi tudi jasno kažejo povezavo med varovanjem okolja in zaščito človekovih pravic. Aarhuška konvencija krepi vlogo nevladnega sektorja, daje in ustvarja nove kategorije pravic, in sicer pravico do obveščenosti, pravico do udeležbe pri odločanju in pravno varstvo v zvezi z dostopom do informacij.

Varuh ugotavlja, da posamezniki, društva, združenja in organizacije, ki delujejo na področju varovanja okolja in ekologije, ne poznajo v zadostni meri svojih pravic, ki jih imajo skladno z Aarhuško konvencijo in tudi nacionalnimi predpisi⁴ v odločevalskih procesih. Zaradi tega nepoznavanja se premalo vključujejo v odločanje, prav to pa velikokrat nasprotna stran, ki bi morala zagotavljati

³ 8. člen Ustave RS določa, da morajo biti zakoni in drugi predpisi v skladu s splošnoveljavnimi načeli mednarodnega prava in z mednarodnimi pogodbami, ki obvezujejo Slovenijo. Ratificirane in objavljene mednarodne pogodbe se uporabljajo neposredno.

⁴ Glede sodelovanja javnosti pri sprejemanju predpisov je pomembna tudi resolucija o normativni dejavnosti (Uradni list RS, št. 95/2009).

informacije in biti odprta, izkoristi in brez upoštevanja načel o participativnosti sprejme enostransko odločitev.

V cilju kar največje obveščenosti civilne družbe Varuh enkrat na mesec organizira srečanje s predstavniki nevladnih organizacij s področja okolja, prostora, ekologije in ohranjanja narave. Srečanja so dobro obiskana, na vsakem izmed srečanj izpostavimo eno izmed vsebin, ki je za nevladne organizacije posebej zanimiva. Tovrstne oblike sodelovanja pomenijo možnost ozaveščanja in izmenjave dobrih praks zlasti med tistimi, ki jih povezujejo enaki ali podobni interesi. Vsekakor je tudi za Varuha to zanimiva izkušnja, saj ima sodelovanje Varuha in nevladnih organizacij dolgo tradicijo, ki izvira iz tega, da se oboji zavzemajo za pravice posameznikov in ob ugotovljenih nepravilnostih izvajajo pritisk na kršitelje. V tem smislu so Varuh in nevladne organizacije naravni zavezniki, ki skupaj z mediji pritiskajo na oblast. Srečujejo se na skupnih sestankih, konferencah in drugih dogodkih, kjer se sprejmejo tudi sklepi, o teh pa so obveščeni mediji. Ne nazadnje, letošnja konferenca o okolju in človekovih pravicah je druga tovrstna konferenca, ki jo organizira Varuh človekovih pravic RS. Glede na veliko zanimanje javnosti in vseh zainteresiranih lahko naznamo, da bodo takšna srečanja in izobraževanja postala naša stalna oblika druženja.

Iz statističnih podatkov obravnave pobud pri Varuhu človekovih pravic RS je razvidno, da smo v letu 2007 obravnavali 123 zadev s področja okolja in prostora, v letu 2008 132 zadev, v letu 2009 pa 133 zadev, kar pomeni od tri do štiri odstotke glede na število vseh prejetih pobud. Razveseljuje dejstvo, da so tudi prejete pobude odsev dejanskega stanja v družbi. Čedalje bolj se kot posamezniki zavedamo, da je zdravo življenjsko okolje ključno za nas in za naše naslednike. Posledice našega malomarnega, nevestnega in neodgovornega ravnanja bodo naslednje generacije občutile še mnogo let. Če ne bomo začeli načrtnega vzgajanja in izobraževanja takoj zdaj in če ne bomo takoj spremenili svojega odnosa do narave in okolja, se kaj lahko zgodi, da nas bodo materialne dobrine, blaginja sveta, globalni trg in globalno neravnovesje sil pahnili v ekološko katastrofo. Recesija je hkrati priložnost, da razmislimo o pomenu vrednot, tako osebnih kot poslovnih. Kaj je merilo uspeha? Biti zdrav, imeti veliko denarja? Kaj je prioriteta? Ta vprašanja prav gotovo terjajo od vseh nas razmislek o tem, ali kot posamezniki in člani neke družbe s svojim ravnanjem razvijamo etiko osebnih, podjetniških in družbenih odgovornosti.

Se zavedamo, da za zadovoljitev kratkoročnih ciljev uničujemo naravno okolje in naravne vire, ki jih vse bolj zmanjkuje? Brez obojega človeštvo zaradi bioloških razlogov ne more živeti. Pravica do zdravega življenjskega okolja kot skrb za sedanost, v smeri trajnostnega razvoja pa skrb za prihodnost naj postane osnova družbeno odgovornega ravnanja vsakega posameznika. Le tako se bomo lahko izognili propadu, ki sicer neizogibno sledi prevelikemu in nekritičnemu hlastanju za izobiljem.

Pravica do zdravega življenjskega okolja tako vse bolj postaja temelj za vse druge človekove pravice.

THE AWARENESS ON THE IMPORTANCE OF A HEALTHY LIVING ENVIRONMENT – PRACTICE OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

Abstract What is our life like? We wish to live in material comfort whereas, on the other hand, our living environment is becoming more and more polluted and less rich. Do we realize that the right to have a healthy living environment is a constitutionally protected entitlement? Do we know what is the content of this right? A greater awareness regarding environmental protection projects surely enables a greater possibility of cooperation in decision-making processes. Our State ratified the international convention concerning this field, the Aarhus Convention in 2004. The objectives and values recorded in this Convention represent a lever for the formation of consciousness concerning the values and participative culture of decision-making on activities affecting the environment. The Human Rights Ombudsman of the Republic of Slovenia as an independent state authority has been pointing out for some time that the role of the public (the civil society) in these procedures is too limited.

72. Article 72 of the Constitution of the Republic of Slovenia defines the right to a healthy living environment as follows:

Everyone has the right in accordance with the law to a healthy living environment.

The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law.

The law shall establish under which conditions and to what extent a person who has damaged the living environment is obliged to provide compensation. The protection of animals from cruelty shall be regulated by law.

The aforementioned constitutionally guaranteed right belongs to the so-called third generation of human rights⁵. With this right, the solidarity aspect is emphasized. Without the approach of the

⁵ The first generation of human rights comprises rights with which the State should not interfere (they tend to be the so-called "negative" human rights). They are mostly defined in the second Chapter of the Constitution of the Republic of Slovenia and they are actionable at individual level (the example of the inviolability of human life, prohibition of torture). The second generation of human rights includes rights the exercise of which the State should actively protect (it refers to the so-called positive status). This category comprises economic, social and cultural rights; they are defined in the second and the third Chapter of the Constitution of the Republic of Slovenia (Economic and Social Relations); they are mostly exercised at the collective level. The third generation of human rights has evolved as a consequence of demands for a global distribution of capital, wealth and

entire social community in solidarity it is singularly not possible to ensure the implementation of the protection of the environment. This right is not linked to the personality of an individual and it is not intended for the protection of personal benefits and interests of the individual although it cannot be denied that the living environment always influences the living standards of the individual to a certain degree.

This is exactly why the right to a healthy environment is linked to the human right to personal dignity. Influences from the environment, particularly longer exposure to detrimental effects such as, for example, polluted air, noise, bad smells, and other influential factors may significantly interfere with the personal sphere of each and every individual.

Under the above mentioned Article 72 of the Constitution of the Republic of Slovenia the State has a triple duty: It has to define by law the content and the extent of the right to a healthy living environment; it has to establish by law the conditions regarding the pursuit of economic and other activities. Likewise, the State should establish by law conditions and the extent of compensation for any damage that a certain person causes to the living environment.

With this provision the Constitution of the Republic of Slovenia has assigned to the State the task to responsibly take over the care for a healthy living environment, to adopt such measures and regulations with which it will maintain the principle of a balance of nature. The fact that the Constitution of the Republic of Slovenia in the second paragraph of Article 72 stipulates that economic activity may be pursued only when legal conditions are satisfied in accordance with the public interest regarding the protection of the living environment, is not negligible. Numerous regulations determine limitations of this kind, all with the aim of protecting the environment and the balance of nature, particularly: The Environment Protection Act⁶, the Spatial Planning Act, the Spatial Planning Act, the Construction Act, the Nature Conservation Act, the Agricultural Land Act, the Act on Forests, the Wild Game and Hunting Act, and others.

Pursuant to the second paragraph of Article 3 of the Environment Protection Act an activity affecting the environment is *any activity or omission of any activity which is likely to affect the environment in a way detrimental to human health, well-being and quality of life and to the survival, the health and well-being of other organisms. Activities affecting the environment shall include in particular the use of natural resources, pollution of the environmental components, construction and use of facilities, manufacturing and other industries, placing of products on the market and their consumption.*

Do we realize that with all of these, with regard to the right to a healthy living environment, the issue is about one of the fundamental human rights which is guaranteed legal protection by the Constitution? Do we have at our disposal enough information and knowledge regarding the legal means available with regard to exercising this right?

power. These rights overreach the frameworks of civil, economic and social rights and have characteristics of both the first and the second generations of human rights. We also name them solidarity rights (for example, the right to a healthy living environment prohibits the State from pursuing excessive activities that affect the environment, whereas, on the other hand, it imposes on the State the requirement to adopt special measures for the protection of the environment).

⁶ The Environment Protection Act in Article 3 stipulates that the Environment is that part of nature which is or could be affected by human activity. The same article proceeds to define nature as the material world and the structure of interdependent elements and processes interlinked according to natural laws. With this it expressly reinforces the fact that humans are an integral part of nature.

We have at our disposal legal protection in compliance with the Constitution of the Republic of Slovenia, Law of Property Code, Code of Obligations and the Environment Protection Act). Some activities (the contamination of drinking water, the contamination of food and fodder, destruction of forests, etc.) are even defined as criminal offences under the Criminal Code. Certain forms of protection are also provided under procedures conducted by independent state authorities such as the Human Rights Ombudsman of the Republic of Slovenia, the Information Commissioner, the Commission for the Prevention of Corruption. International legal protection is also available.

But within this framework we have to distinguish between the damage incurred to the environment and the damage (property or non-property damage) incurred to an individual and which is judged by virtue of the general principles of the law of damages.

Constitutional protection of the right to a healthy living environment is ensured in accordance with the already mentioned Article 72 of the Constitution of the Republic of Slovenia where it is an issue about the obligation of a person causing damage to compensate for the damage incurred to the living environment in accordance with legal regulation. 11. Article 11 of the Environment Protection Act, on the other hand, regulates the subsidiary obligation of the State to eliminate the consequences of excessive environmental burdens when payment of costs cannot be imposed on persons causing the damage or when there is no legal basis for this.

The Law of Property Code in Article 75, which defines the prohibited nuisances (smoke, foul odours, soot, tremors violent noise, effluents, disturbing neon commercial signs, various radiations, prevention of light, deprivation of air, various activities affecting air quality, etc.) stipulates that the owner of the property when using the property should omit carrying out actions and obviate causes arising from the said person's property and making harder the use of other properties over the extent to which, considering the nature and the purpose of the property as well as with regard to local conditions, is considered usual, or causing greater material injury (prohibited nuisance). Without any special legal title any kind of disturbance with special devices is prohibited. The same Code in Article 99 governs the field of unjustified disturbances, that is, if a third party unlawfully disturbs an owner or alleged owner in any other manner and not by the deprivation of things, the owner or the alleged owner may demand the disturbance cease and prohibit further disturbances by means of an action. But once damage has been caused by means of disturbance, the owner holds the right to demand its compensation under the general rules concerning compensation for damage.

The Code of Obligations, in Article 133 states that any one person may request another to remove the source of danger which threatens to cause the said person or an undetermined number of people greater damage, and to desist from activities which cause disturbance or the damage could not be prevented by appropriate measures.

The Environment Protection Act in Article 14 states that individuals, societies, associations and organizations may file a request at the court that the person responsible for an activity affecting the environment ceases the activity if it causes or would cause excessive environmental burden or presents or would present a direct threat to human life or health, and that the person responsible for the activity affecting the environment be prohibited from starting the activity if there is a strong

probability that the activity would present such a threat. In the same Article a provision regarding the responsibility of the Human Rights Ombudsman ('the Ombudsman') for the protection of the right to a healthy living environment is specially added.

The European Convention on Human Rights does not define specifically the right to a healthy living environment. However the protection of this right would, in spite of this, be possible within the framework of the right to respect private and family life and within the framework of the right to own property.

As an independent right under international law, the right to a healthy environment is defined in Article 37 of the EU Charter of Fundamental Rights, namely, among the solidarity rights the protection of environment is defined as the policy of the European Union which is assured in accordance with the principle of sustainable development.

Slovenia ratified the **Aarhus Convention** in 2004. The aforementioned, in accordance with Article 8 of the Constitution of the Republic of Slovenia⁷, means that the provisions of this Convention apply directly. International acts, particularly the Aarhus Convention which gives people an active right in adopting and implementing environmental policy, like national regulations form this field, provide the theoretical basis for the achievement of the sustainable development of society. At the same time these regulations also show clearly the connection between the protection of the environment and the protection of human rights. The Aarhus Convention strengthens the role of the non-governmental sector, it provides and generates new categories of rights, namely: the right to receive information, the right to participation in the decision-making processes, and legal protection with regard to access to information.

The Ombudsman has established that individuals, societies, associations and organizations who work in the field of environmental protection and ecology do not know to a sufficient degree the rights which they have in decision-making processes in accordance with the Aarhus Convention and national regulations⁸. Because of this ignorance they become involved too little in the decision-making processes. Frequently the opposing party who should provide information and be open takes advantage of this and without respecting the principal of participation a unilateral decision is adopted.

With the goal of providing the greatest amount of information to the civil society, once a month, the Ombudsman organises a meeting with representatives of non-governmental organizations from the fields of environment, spatial planning, ecology and preservation of nature. Meetings are well attended. At each meeting we point out one of the topics that are particularly interesting for non-governmental organizations. Forms of cooperation of this kind mean a possibility of raising awareness and exchanging cases of good practice, especially among those who are connected by having the same or similar interests. In reality this is an interesting experience also for the Ombudsman since the cooperation of the Ombudsman and non-governmental organizations has had a long tradition which arises from the fact that both the Ombudsman and non-governmental

organizations (civil society organizations) champion the rights of individuals and with irregularities established they apply pressure on violators. In this sense the Ombudsman and non-governmental organisations are natural allies who, together with the media, challenge authority. They meet at joint meetings, conferences and other events where conclusions are also adopted and the media is informed about them. Last but not least, this year's conference *Environment and Human Rights* is the second conference of this kind organized by the Human Rights Ombudsman of the Republic of Slovenia. Because of the strong interests in the conference on the part of the public and all other interested parties we may announce that such meetings and education will become our constant forum for the future.

⁷ Article 8 of the Constitution of the Republic of Slovenia states that laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

⁸ With regard to public participation in adopting regulations the Resolution on Legislative Regulation (Official Gazette of the Republic of Slovenia, No. 95/2009 is also important).

From statistical data concerning the treatment of initiatives by the Human Rights Ombudsman of the Republic in Slovenia it is shown that in 2007, 123 cases were heard from the field of environment and spatial planning, in 2008, 132 cases, and in 2009, 133 cases, which means from 3% to 4% out of the total number of all initiatives received. The fact that also the initiatives received are a reflection of the actual state in society is pleasing. As individuals we are more and more aware that a healthy living environment is of essential importance for us and also for our descendents. The consequences of our careless, negligent and irresponsible actions will be felt by the next generations for a great many years. If we do not start with carefully planned upbringing and education immediately, if we will not change our relationship with nature and the environment it may easily happen that material goods, the welfare of the world, global markets and global imbalance will push us to ecological catastrophe. The recession is at the same time an opportunity to reconsider the significance of both personal and business values. What is the measurement of success? Be healthy? Have a lot of money? What is the priority? The questions mentioned most certainly demand from all of us to make a halt and to think over whether with our conduct we, as individuals and members of a particular society, are developing the ethics of personal, entrepreneurial and social responsibility.

Do we realize that in satisfying short-term goals we destroy the natural environment and natural resources which are ever-diminishing. But without both, because of biological needs, mankind cannot live.

The right to a healthy environment with a care for the present, and in the direction of sustainable development, the care for future, should become the basis for the socially responsible conduct of each and every individual. Only in this way can we avoid the catastrophe which otherwise inevitably follows our great and uncritical grab for abundance.

The right to a healthy living environment is thus becoming more and more the foundation and the basis for all other human rights.