

# Sustainable development in terms of interpreting the human right to a healthy environment

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*In a context of fundamental human right to a healthy environment should be analyzed and other fundamental rights guaranteed by the constitution on which alone their interpretation in the context of environmental protection is in accordance with the principles of sustainable development of society. And the most important is the right to education because education can be achieved only through public awareness on environmental role in sustainable development. This study aims to explore the role of environmental education on the sustainable development of society.*

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## **1. Introduction**

Sustainable development is the new philosophy of society development, the European Union and its own widely shared in a globalized world.

Romania, after a prolonged transition to pluralist democracy and market economy has recovered considerable differences from other Member States of the European Union, while learning and putting into practice the principles and practices of sustainable development. Despite progress in recent years, Romania still has an economy based on intensive use of resources, and a civil society still in search of a shared vision, and natural capital affect the risk of damage that may become irreversible. For Romania, as a member state of the European Union, sustainable development is not one of the possible options, but the only rational perspective that seeks affirmation of a new paradigm of development by the confluence of economic, social and environmental factors. Public policies are developed on this basis, to restore and maintain a rational balance on long term economic development and integrity of the natural environment in ways understood and accepted by society.

In this context, the consecration of the fundamental human right to a healthy environment by the Constitution, brought to the fore the need to promote education about the environment as part of sustainable development of society.

## **2. The right to a healthy environment in relation to other fundamental rights**

Realization of the fundamental human right to a healthy environment can not be done without reconsideration of other fundamental rights under the Constitution. Legal doctrine of Romania has an important role in revealing the contents fundamental human right to a healthy environment and its correlation with other fundamental human rights. Without the support of people who really involved and also

environmental degradation and the only beneficiaries of the existence of an environment conducive to human development, it will never be able to get the desired result and enshrined in the Constitution in Art. 35 entitled "The right to a healthy environment": "The State recognizes the right of every person to a healthy and ecologically balanced environment" (Radulescu, Radulescu, 2011).

Content of the right to education, which gives everyone the right to education, to be interpreted as public awareness on environmental protection issues. Furthermore, in theory, some authors consider that, given the importance of this right, the right to education content can be revealed only correct interpretation, but we also need the constitutional amendment because it believes that part of the right to education (Iancu, 1998).

Thus, in this view, the right to education and the right to education occur at the same time as duties, must be organized so as to ensure equal rights and duties of citizens both in terms of environmental protection.

This implies the usage of professional competence and banning privileges and discrimination. Only after such an education can be achieved within the desired changes necessary to have a healthy and ecologically balanced environment, suitable for the continuation and development of life of present and future that limits which, in the end, keep every individual in every community in part.

Education becomes a liability while with subjective right itself, can be reached at mitigating environmental crisis and the appropriate action according to the concept of sustainable development. Also, do not forget that each person has an obligation to work to secure the necessary conduct of life, protecting the environment and trying to use it so that this activity does not lead to its destruction.

At the same time, we must bear in mind that there are other categories of persons to whom the law guarantees certain rights which can not be conceived without achieving environmental protection, namely

children, young people (Article 49 of the Constitution) and disabled persons who are entitled to special protection (Article 50 of the Constitution). As you can see, it is groups of people who need special protection and care as is are future of the country (for children and young people) or is disadvantaged persons who require help to enjoy human condition.

So the "lack of environmental protection can attract a degree of lack of public health and individual even an impediment to achieving the right to health, which may result in restricting the exercise of the rights and freedoms" (Iancu, 1998).

Therefore, any degradation of environmental quality has devastating effects on humans and can cause various diseases, more or less dangerous (children with different birth defects, some of them fatal or death of persons) and also the emergence of disease that can kill any creature on a very wide range of thousands or hundreds of kilometers, threatening the very existence of the human species on this earth.

Right to life, considered "the most natural human right" imposed early in the legal system and established one of the first rights and, of course, and the Constitution, "is a citizen of beginning inventory as human rights in the most important international documents in the field "(Muraru, 1993).

This right, according to the International Covenant on Civil and Political Rights "is inherent in the human person, shall be protected by law. No one shall be deprived of his life arbitrarily. " By this means and all human actions that degrade the environment - natural and human - and ultimately lead to loss of life.

The doctrine wondered whether, given the current ecological crisis, the right to life should concern the present generation or future generations (Iancu, 1998).

Dipert argues that "the present generations have certain obligations and responsibilities to the generations to come, not to say that people have rights to come here and now" and "regulatory activity is

necessary for strengthening state obligations and responsibilities for generations future "(Dipert, 1983), because, as is known to exist such a right should be its beneficiaries.

However, one can not overlook the fact that the future generations to exist and benefit from such a right that we have to offer living conditions, showing wisdom, so you can ask the same thing to them. It should be noted that at present, all national and European legislation is such that the rights of third generation (including environmental right) can come alive as the present generation disappearance would lead to the disappearance of humans on earth as so, any disruption in this chain would have the same effect.

Doctrine stated that the lack of environmental protection can be devastating, leading to loss of human life (being affected both present and future generations), considering that "guaranteeing the right to life, the right to physical integrity and mental health may be impaired, threatened, or even ineffective, in at least three situations:

in case of heavy pollution with serious harmful effects;

accident with serious polluting consequences (eg Chernobyl);

for systematic and high proportions exceeding the limits tolerable, legally permissible, especially for particularly hazardous substances "(Smith, 1991)

In turn, the right to health (art. 34 of the Constitution of Romania) is closely related to the basic human right to a healthy environment, as this law refers to the human condition maintaining the current demands of life. Its content, the right to health protection, preservation and development ensures each person's physical and mental qualities "to enable a real and effective participation in all political, economic, social and cultural" (Muraru, 1993).

Furthermore, it has made clear that public health (which is a constitutional duty of the state - art. 34, art. 2) can be achieved only when there a real protection of the environment, one that can provide a natural habitat, under normal and sustainable human development.

Same reason, we can not discuss the existence or existence of the right to private life, family and private life (Article 26 of the Constitution) without effective protection of the environment, especially since one of the most important factors that led to occurrence of family life there was just a natural habitat suitable for this purpose.

No fundamental right to a decent standard of living (Article 47 of the Constitution) that "includes the right of citizens to reasonable conditions to ensure his life, and his family a decent living" can not be realized to its full constitutional value because without effective protection of the environment, can lead to degradation and destruction of material means necessary to ensure a decent living.

As with other rights, and here we are in the presence of a complex law, including, in particular: "the right to reasonable living conditions, clothing and housing satisfactory" (Muraru, Iancu, 1992).

It should be made clear that, in terms of living conditions, they have as main component protection and sustainable development of environmental factors alone can ensure their existence both for present and future generations.

Also, freedom of movement (Article 25 of the Constitution of Romania) to achieve "free movement of citizens" (Muraru, 1993) both in Romania and abroad state is closely linked to the environment, because physical impossibility that a person has to be able to travel in terms of degradation or destruction of roads, affect the exercise of this right. Outbreak of epidemics and the need to prevent the consequences of disasters are serious impediments regarding the free movement of persons, the State is obliged to take all measures necessary to ensure this right.

As regards freedom of expression (Article 30 of the Constitution) that includes freedom of speech content, whether it's expressing an opinion of a person or freedom of the press written or audio-visual (media).

Both citizens and non-governmental organizations involved in environmental activities are entitled to express their views on environmental issues affecting their existence and can not be otherwise resolved only through cooperation with all interested state authorities environmental protection.

Transmission of information on the environment can be done by any means of communication, the traditional (print and radio and television) and now adding Internet.

As these are more varied communication channels, the greater the effectiveness of communication, which in terms of environmental protection is essential. As discussed in legal doctrine "freedom of expression allows citizens participation in social and cultural life", the term "social life" and included activities and environmental protection measures (Iancu, 1998).

Near the freedom of expression, right to information (art. 31 of the Constitution of Romania) allows citizens to receive information of public interest in the economic, social, political and, especially, about environmental protection by state authorities.

Stated that "the right to information only public information. It follows that this right shall not entail any access to confidential information, any obligation of public authorities to give such information".

From the content of the right to information is part and "the right person to be informed promptly, correctly and clearly on measures and especially on those taken by public authorities, free access to public information sources, scientific and technical, social, culture, sports, and so on, can a person directly and normally receive radio and television; obligation of governments to create the material and legal conditions for free and broad dissemination of information of any kind" (Muraru, 1993).

In our system of law, every citizen has the right to be informed about the environment, and especially the potential negative impact on

economic operators actions may have on the environment, especially in "sensitive" in ecologically.

Not be overlooked that the public has the right to participate in the adoption and implementation of environmental decisions, according to the Aarhus Convention and Romanian legislation, so it is essential for good environmental protection as citizens be informed about the state of the environment.

Information about the environment must accompany any act of every citizen, not only the actions of the state, because only in this way can discuss environmental protection, sustainable development premise.

For this reason, environmental information must be comprehensive and include both data and status and environmental factors on human health. You also need to submit the description of actions to be carried out and the effects that these activities have or may have on the natural habitat, and to what extent these effects may be charged environment.

In turn, the right of petition (Article 51 of the Constitution), allows every citizen to complain to state authorities about the violation of their rights, especially regarding his right to a healthy environment. Also, the right to petition the state institutions offers the opportunity to know the problems of citizens and thus meet their desires and needs, especially since information thus obtained show best what is really happening in the country.

It should also be noted that, with regard to environmental issues, the content of the right to petition to be filled with provisions for the possibility of a special category of complaints regarding environmental issues only, so you can thus define the other issues that concern him every citizen.

Regarding the right of a person aggrieved by a public authority to obtain recognition of his right or legitimate interest, and damages the cancellation of illicit goods (Article 52 of the Constitution) should be noted that in the current context of environmental protection and



recognition fundamental human right to an environment healthy environment must be correctly interpreted to include decisions regarding environmental protection.

Not including environmental decisions that can be appealed list of documents from public authorities which issued by any citizen and any damage recovered can not discuss the existence of a fundamental human right to a healthy and ecologically balanced environment (Marinescu, Radulescu, 2006).

### **3. Conclusions**

Education in general and education about the environment, in particular, gives each person an extra freedom, deeper understanding of the processes and phenomena that make up real life, in an environment of quality to ensure everyone's dignity and welfare, prerequisites for sustainable development.

In this context, it requires increasingly longer need to create a new ethics and promote environmental education by which to establish and develop a public opinion and behavior consistent with sustainable development of society.

The current situation that Romania, shows clearly what is important for every citizen to respect the environment protection law and especially the importance of the state institutions to act as sustainable society. And those principles, who states that "the environment can not be conceived without development, and sustainable development has no chance without the existence of a quality environment" (Marinescu, 2003), underlies current economic thinking, being part of economic and political plans of all countries.

The state has a constitutional obligation to make social protection measures, which are certainly those related to environmental protection, because only under these conditions can discuss the sustainable development of society and the natural habitat that is part of human society.

Not to protect it is to protect not society itself, depriving people of a decent living in it and depriving future generations of all living human condition and thus compromising everything that the idea of sustainable development.

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